

CHAPTER 445B

AIR CONTROLS

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Note: The text of this Administrative code has been provided was received from the Legislative Counsel Bureau's Legal Division. See the footer for the current date of codification for these regulations. This regulatory text does not contain the complete chapter of 445B, air pollution controls, on the portions so indicated. To access the official version, go their website at www.leg.state.nv.us, and access the code through the "Law Library".

EMISSIONS FROM ENGINES

General Provisions

NAC 445B.400 Scope. (NRS 445B.210, 445B.760, 445B.785) The provisions of NAC 445B.400 to 445B.735, inclusive, provide the standards for controlling engine emissions.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 9-28-88; A 11-10-92; A by Environmental Comm'n, 7-5-94; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; R079-98, 9-25-98)

NAC 445B.401 Definitions. (NRS 445B.210, 445B.785) As used in NAC 445B.400 to 445B.735, inclusive, unless the context otherwise requires, the words and terms defined in NAC 445B.403 to 445B.4556, inclusive, have the meanings ascribed to them in those sections.

(Supplied in codification; A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-19-85, eff. 1-1-86; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; 11-10-92; 11-23-92; 7-1-94; A by Environmental Comm'n, 7-5-94; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; A by Environmental Comm'n by R205-97, 3-5-98; A by Dep't of Motor Veh. & Pub. Safety by R079-98, 9-25-98; A by Dep't of Motor Veh. by R178-01, 8-21-2002)

NAC 445B.403 "Approved inspector" defined. "Approved inspector" has the meaning ascribed to it in NRS 445B.705.

[Environmental Comm'n & Dep't of Motor Veh. Reg. § 1.2, eff. 1-10-78]—(NAC A 10-1-83; 11-23-87, eff. 1-1-88; 8-19-94)

NAC 445B.4045 "Authorized inspection station" defined. "Authorized inspection station" has the meaning ascribed to it in NRS 445B.710.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 8-19-94)

NAC 445B.405 "Authorized station" defined. "Authorized station" has the meaning ascribed to it in NRS 445B.720.

[Environmental Comm'n & Dep't of Motor Veh. Reg. § 1.3, eff. 1-10-78]—(Substituted in revision for NAC 445.854)

NAC 445B.408 "Carbon monoxide" defined. "Carbon monoxide" (CO) means a colorless, odorless, highly toxic gas that is a normal by-product of incomplete fossil fuel combustion.

[Environmental Comm'n & Dep't of Motor Veh. Reg. § 1.4, eff. 1-10-78]—(Substituted in revision for NAC 445.855)

NAC 445B.409 "Certificate of compliance" defined. "Certificate of compliance" means a certificate printed by an emissions analyzer and issued by an approved inspector in a test station.

[Environmental Comm'n & Dep't of Motor Veh. Reg. § 1.5, eff. 1-10-78]—(NAC A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; 9-13-95)

NAC 445B.4092 “Certified on-board diagnostic system” defined. (NRS 445B.785) “Certified on-board diagnostic system” means a computer system which is contained within the vehicle and which is certified by the United States Environmental Protection Agency to be fully capable of monitoring all the sensors and actuators in the drivetrain of the vehicle to determine whether the sensors and actuators are working as intended.

(Added to NAC by Dep’t of Motor Veh. by R178-01, eff. 8-21-2002)

NAC 445B.4096 “Class 1 approved inspector” defined. “Class 1 approved inspector” means an approved inspector who is licensed by the department only to test exhaust emissions.

(Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 9-13-95)

NAC 445B.4097 “Class 1 fleet station” defined. “Class 1 fleet station” means a fleet station which is licensed by the department only to test exhaust emissions.

(Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 9-13-95)

NAC 445B.4098 “Class 2 approved inspector” defined. “Class 2 approved inspector” means an approved inspector who is licensed by the department to test exhaust emissions and to diagnose, repair and service devices for the control of exhaust emissions.

(Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 9-13-95)

NAC 445B.4099 “Class 2 fleet station” defined. “Class 2 fleet station” means a fleet station which is licensed by the department to test exhaust emissions and to diagnose, repair and service devices for the control of exhaust emissions.

(Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 9-13-95)

NAC 445B.410 “CO₂” defined. “CO₂” means carbon dioxide.

(Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 9-28-88)—(Substituted in revision for NAC 445.8565)

NAC 445B.411 “Commission” defined. “Commission” means the state environmental commission.

[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.6, eff. 1-10-78]—(Substituted in revision for NAC 445.857)

NAC 445B.413 “Department” defined. “Department” means the department of motor vehicles.

[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.8, eff. 1-10-78]—(NAC A 11-19-85, eff. 1-1-86)—(Substituted in revision for NAC 445.859)

NAC 445B.415 “Director” defined. “Director” means the director of the department.

(Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 8-19-94)

NAC 445B.416 “Emission” defined. “Emission” means the act of passing into the atmosphere an air contaminant or a gas stream which contains or may contain an air contaminant or the material passed to the atmosphere.

[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.10, eff. 1-10-78]—(Substituted in revision for NAC 445.861)

NAC 445B.418 “EPA” defined. “EPA” means Environmental Protection Agency.

(Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 9-28-88)—(Substituted in revision for NAC 445.8615)

NAC 445B.419 “Established place of business” defined. (NRS 445B.785) “Established place of business” means a permanent structure:

1. Owned either in fee or leased with sufficient space to test, inspect or adjust, if needed, one or more motor vehicles for which evidence of compliance may be issued; and

2. Large enough to accommodate the office or offices of a test station to provide a safe place to keep the books, evidence of compliance and all other records of the station.

[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.11, eff. 1-10-78]—(NAC A by Dep’t of Motor Veh. & Pub. Safety, 9-13-95; R079-98, 9-25-98)

NAC 445B.420 “Evidence of compliance” defined. (NRS 445B.785) “Evidence of compliance” has the meaning ascribed to it in NRS 445B.730, and includes, without limitation, a certificate of compliance and a vehicle inspection report.

[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.12, eff. 1-10-78]—(NAC A 10-1-83; A by Dep’t of Motor Veh. & Pub. Safety by R079-98, 9-25-98)

NAC 445B.421 “Exhaust emissions” defined. “Exhaust emissions” means air contaminants emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.

[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.13, eff. 1-10-78]—(Substituted in revision for NAC 445.864)

NAC 445B.422 “Exhaust gas analyzer” defined. “Exhaust gas analyzer” means a device for sensing the amount of air contaminants in the exhaust emissions of a motor vehicle.

[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.14, eff. 1-10-78]—(Substituted in revision for NAC 445.865)

NAC 445B.424 “Fleet station” defined. “Fleet station” has the meaning ascribed to it in NRS 445B.735.

[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.16, eff. 1-10-78]—(NAC A by Dep’t of Motor Veh. & Pub. Safety, 8-19-94)

NAC 445B.4247 “Gross vehicle weight rating” defined. “Gross vehicle weight rating” means the maximum weight at which a motor vehicle can be operated safely, as specified in pounds by the manufacturer on the certification label of the motor vehicle, as described in

49 C.F.R. Part 567.

(Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 8-19-94)

NAC 445B.426 “Heavy-duty motor vehicle” defined. (NRS 445B.785) “Heavy-duty motor vehicle” means:

1. A truck which has a gross vehicle weight rating of 8,500 pounds or more;
2. A motor vehicle which is designed for the transportation of persons and has a capacity of more than 15 persons; or

3. A motor home, mini motor home or a camper mounted on a chassis.

[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.18, eff. 1-10-78; A 12-20-79]—(NAC A 10-1-83; 11-19-85, eff. 1-1-86; A by Dep’t of Motor Veh. & Pub. Safety by R079-98, 9-25-98)

NAC 445B.427 “Hydrocarbon” defined. “Hydrocarbon” (HC) means any compound containing hydrogen and carbon as hexane.

(Added to NAC by Environmental Comm’n & Dep’t of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep’t of Motor Veh. & Pub. Safety, 9-28-88)—(Substituted in revision for NAC 445.8695)

NAC 445B.428 “Hz” defined. “Hz” means hertz, a unit of frequency equal to one cycle per second.

(Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 9-28-88)—(Substituted in revision for NAC 445.8697)

NAC 445B.432 “Light-duty motor vehicle” defined. (NRS 445B.785) “Light-duty motor vehicle” means:

1. A truck which has a gross vehicle weight rating of less than 8,500 pounds;
2. A motor vehicle which is subject to the laws of this state requiring registration, is capable of transporting persons and has a capacity of 15 persons or less;
3. A van conversion; or
4. Any other motor vehicle which is powered by gasoline, except a heavy-duty motor vehicle.

[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.21, eff. 1-10-78; A 12-20-79]—(NAC A 10-1-83; 11-19-85, eff. 1-1-86; A by Dep’t of Motor Veh. & Pub. Safety by R079-98, 9-25-98)

NAC 445B.433 “Mini motor home” defined. “Mini motor home” has the meaning ascribed to it in NRS 482.066.

(Added to NAC by Environmental Comm’n & Dep’t of Motor Veh., eff. 10-1-83)—(Substituted in revision for NAC 445.8725)

NAC 445B.434 “Motor home” defined. “Motor home” has the meaning ascribed to it in NRS 482.071.

(Added to NAC by Environmental Comm’n & Dep’t of Motor Veh., eff. 10-1-83)—(Substituted in revision for NAC 445.8735)

NAC 445B.435 “Motor vehicle” defined. “Motor vehicle” has the meaning ascribed to it in NRS 445B.745.

[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.24, eff. 1-10-78]—(Substituted in revision for NAC 445.874)

NAC 445B.440 “New motor vehicle” defined. “New motor vehicle” means a motor vehicle that has never been registered with the department and has never been registered with the appropriate agency or authority of any other state, the District of Columbia, any territory or possession of the United States, or foreign state, province or country.

[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.25, eff. 1-10-78]—(Substituted in revision for NAC 445.875)

NAC 445B.442 “Opacity” defined. “Opacity” means the property of a substance tending to obscure vision and measured in terms of percent obscuration.

[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.27, eff. 1-10-78; renumbered as § 1.28, 12-20-79]—(NAC A 11-23-87, eff. 1-1-88)—(Substituted in revision for NAC 445.878)

NAC 445B.443 “Person” defined. “Person” includes the Federal Government, the State of Nevada, or any of its political subdivisions and any other administrative agency, public or quasi-public corporation, or other legal entity.

[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.28, eff. 1-10-78; renumbered as § 1.29, 12-20-79]—(NAC A 11-23-87, eff. 1-1-88)—(Substituted in revision for NAC 445.879)

NAC 445B.444 “ppm” defined. “ppm” means part per million.
(Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 9-28-88)—(Substituted in revision for NAC 445.8795)

NAC 445B.449 “Smoke” defined. “Smoke” means a stream of visible emissions of exhaust from a vehicle.

[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.31, eff. 1-10-78; renumbered as § 1.33, 12-20-79]—(NAC A 11-19-85, eff. 1-1-86; 11-23-87, eff. 1-1-88)—(Substituted in revision for NAC 445.883)

NAC 445B.450 “Special mobile equipment” defined. “Special mobile equipment” means every motor vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved upon a paved roadway.

[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.32, eff. 1-10-78; renumbered as § 1.34, 12-20-79]—(Substituted in revision for NAC 445.884)

NAC 445B.451 “Standard” defined. (NRS 445B.210, 445B.760, 445B.785) “Standard” means a standard of performance adopted pursuant to NAC 445B.400 to 445B.735, inclusive.

[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.33, eff. 1-10-78; renumbered as § 1.35, 12-20-79]—(NAC A by Environmental Comm’n, 7-5-94; A by Dep’t of Motor Veh. & Pub. Safety, 8-19-94; R079-98, 9-25-98)

NAC 445B.4515 “State electronic data transmission system” defined. (NRS 445B.785) “State electronic data transmission system” means the system that provides the transfer of data between individual exhaust gas analyzers in test stations and the department.

(Added to NAC by Dep’t of Motor Veh. & Pub. Safety by R079-98, eff. 9-25-98)

NAC 445B.452 “Tampering” defined. “Tampering” means rendering inoperative or intentional misadjustment of any motor vehicle device or element of design intended to control exhaust emissions.

[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.34, eff. 1-10-78; renumbered as § 1.36, 12-20-79]—(Substituted in revision for NAC 445.886)

NAC 445B.4525 “Test station” defined. (NRS 445B.785) “Test station” means an authorized station, authorized inspection station or a fleet station.

(Added to NAC by Dep’t of Motor Veh. & Pub. Safety, eff. 8-19-94; A by R079-98, 9-25-98)

NAC 445B.453 “Truck” defined. “Truck” means a motor vehicle:

1. Which is used for the transportation of property; and
2. Whose body has been designed and built for that purpose.

(Added to NAC by Environmental Comm’n & Dep’t of Motor Veh., eff. 10-1-83)—
(Substituted in revision for NAC 445.8863)

NAC 445B.454 “Used motor vehicle” defined. “Used motor vehicle” means a motor vehicle that has been registered with the department or registered with the appropriate agency or authority of any other state, the District of Columbia, or any territory or possession of the United States or foreign state, province or country.

[Environmental Comm’n & Dep’t of Motor Veh. Reg. § 1.36, eff. 1-10-78; renumbered as § 1.38, 12-20-79]—(Substituted in revision for NAC 445.887)

NAC 445B.455 “Van conversion” defined. “Van conversion” has the meaning ascribed to it in NRS 482.1345.

(Added to NAC by Environmental Comm’n & Dep’t of Motor Veh., eff. 10-1-83)—
(Substituted in revision for NAC 445.8875)

NAC 445B.4553 “Vehicle inspection report” defined. (NRS 445B.785) “Vehicle inspection report” means a certificate that:

1. Is issued by an approved inspector in a test station; and
2. If the vehicle inspection report concerns a motor vehicle subject to the provisions of NAC 445B.580, is printed by an exhaust gas analyzer connected to the state electronic data transmission system.

(Added to NAC by Dep’t of Motor Veh. & Pub. Safety by R079-98, eff. 9-25-98; A by Dep’t of Motor Veh. by R178-01, 8-21-2002)

NAC 445B.4556 “Vehicle inspection report number” defined. (NRS 445B.785) “Vehicle inspection report number” means the number assigned to the vehicle inspection report by the department.

(Added to NAC by Dep’t of Motor Veh. & Pub. Safety by R079-98, eff. 9-25-98)

NAC 445B.456 Severability. (NRS 445B.210, 445B.785) If any of the provisions of NAC 445B.400 to 445B.735, inclusive, or any application thereof to any person, thing or circumstance is held invalid, it is intended that such invalidity will not affect the remaining provisions, or their application, that can be given effect without the invalid provision or application.

[Environmental Comm’n & Dep’t of Motor Veh. Red. § 2.1.1, eff. 1-10-78]—(NAC A by Environmental Comm’n, 7-5-94; A by Dep’t of Motor Veh. & Pub. Safety, 8-19-94; R079-98, 9-25-98)

Facilities for Inspection and Maintenance

NAC 445B.460 Test station: License required to operate; expiration of license; ratings; prohibited acts; location. (NRS 445B.210, 445B.770, 445B.785)

1. No person may engage in the business of issuing evidence of compliance unless he holds a current license to operate a test station at an established place of business and holds one or both of the ratings set forth in subsection 3.

2. A license that:

(a) Was issued for a test station before September 25, 1998, expires on September 30 of each calendar year.

(b) Is issued on or after September 25, 1998, expires 1 year after the last day of the month in which the license was originally issued.

3. A test station shall obtain from the department:
 - (a) A “G” rating if it will be testing the exhaust emissions of gasoline-powered motor vehicles. A test station with a “G” rating shall, when conducting inspections of motor vehicles subject to the provisions of NAC 445B.580, use an exhaust gas analyzer that complies with the equipment specifications published by the department for this rating and at least one approved inspector who has a “G” rating to perform the exhaust emissions tests.
 - (b) A “D” rating if it will be testing the exhaust emissions of light-duty diesel motor vehicles. A test station with a “D” rating shall, when conducting inspections of motor vehicles subject to the provisions of NAC 445B.589, use an exhaust gas analyzer that complies with the requirements of NAC 445B.587 and at least one approved inspector who has a “D” rating to perform the exhaust emissions tests.
4. A facility which holds a license as an authorized inspection station or class 1 fleet station may test exhaust emissions but shall not perform any installation, repair, diagnosis or adjustment to devices that affect exhaust emissions, except:
 - (a) The changing of oil;
 - (b) The replacement of an oil filter, air filter, fuel filter, belt or hose; and
 - (c) With regard to a vehicle with a model year of 1980 or older which has not failed its most recent exhaust emissions test administered in this state:
 - (1) The replacement of the spark plugs, secondary cables for the spark plugs, distributor cap, rotor, points or condenser of the vehicle; and
 - (2) The adjustment of the dwell and initial ignition timing of the engine of the vehicle, and the settings for idle speed if those settings are accessible.
5. An authorized inspection station shall not advertise any services which it provides for the testing of exhaust emissions with any services described in paragraph (c) of subsection 4 that the authorized inspection station also provides.
6. A person licensed to operate a test station shall not own or hold any ownership interest whatsoever in any business which manufactures, sells, repairs, rents or leases any exhaust gas analyzers approved by the department for the testing of exhaust emissions.
7. A person or business which manufactures, sells, repairs, rents or leases any exhaust gas analyzers approved by the department for the testing of exhaust emissions shall not own or hold any ownership interest whatsoever in any business licensed to operate a test station.
8. An authorized inspection station or class 1 fleet station must not be located immediately adjacent to any business which services or repairs motor vehicles unless:
 - (a) The facility for the station is physically separated from the adjacent facility;
 - (b) The facility for the station and the adjacent facility have separate entrances for customers and do not share any common doors or entries between the facilities;
 - (c) The adjacent facility has no access to the physical space in which testing occurs at the facility for the station;
 - (d) No employee of the adjacent facility is employed by the station; and
 - (e) The facility for the station and the adjacent facility have separate mailing addresses.

[Environmental Comm’n, Engine Emission Control Reg. § 3.10.1, eff. 1-10-78; A 12-20-79; § 3.11.2, eff. 1-10-78]—(NAC A by Environmental Comm’n & Dep’t of Motor Veh., 10-1-83; 11-23-87, eff. 1-1-88; A by Dep’t of Motor Veh. & Pub. Safety, 12-28-89; 8-19-94; 9-13-95; R079-98, 9-25-98; A by Dep’t of Motor Veh. by R178-01, 8-21-2002; A by Environmental Comm’n by R023-02, 9-20-2002)

NAC 445B.461 Compliance by Federal Government, state agencies and political subdivisions. (NRS 445B.210, 445B.785)

1. A license may be issued to the Federal Government or any state agency or political subdivision of the state to inspect motor vehicles owned by the state or political subdivision for the purpose of compliance with NAC 445B.400 to 445B.735, inclusive.

2. The Federal Government or any state agency or political subdivision, in complying with NAC 445B.400 to 445B.735, inclusive, shall submit to the department annually a list, in a form prescribed by the department, of those motor vehicles which are assigned license plates issued by the department as described in NRS 482.368.

3. The holder of a license issued pursuant to subsection 1 is exempt from the requirements set forth in the following sections for the limited purposes indicated:

- (a) Bond, NAC 445B.465;
- (b) Evidence of compliance, NAC 445B.583 to 445B.586, inclusive;
- (c) Sign, NAC 445B.469; and
- (d) Use of waiver, NAC 445B.590.

[Environmental Comm'n, Engine Emission Control Reg. §§ 3.14.1-3.14.3, eff. 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; A by Environmental Comm'n, 12-26-89; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; R079-98, 9-25-98)

NAC 445B.462 Test station: Application for license to operate; inspection of premises; issuance of license. (NRS 445B.210, 445B.770, 445B.785)

1. An application for a license to operate a test station must be filed on a form supplied by the department. The applicant must:

- (a) Specify in writing the type of license and, if applicable, the class of license and the rating or ratings for which he is applying; and
- (b) Furnish such proof as the director deems necessary to determine whether the applicant is qualified to operate a test station, including, without limitation, proof that he is at least 18 years of age and has an established place of business in this state.

2. Before an application is approved, an authorized representative of the department will inspect the premises. The department will determine whether the premises and equipment comply with the requirements of the department and whether the persons employed by the applicant are adequately trained to perform the duties for which they are licensed or rated, as appropriate.

3. A license for:

(a) An authorized inspection station or class 1 fleet station will not be issued to an applicant unless he is a class 1 approved inspector or class 2 approved inspector, or he employs at least one class 1 approved inspector or class 2 approved inspector, with the rating or ratings for which the applicant is applying.

(b) An authorized station or class 2 fleet station will not be issued to an applicant unless he is a class 2 approved inspector, or he employs at least one class 2 approved inspector, with the rating or ratings for which the applicant is applying.

4. If the department is satisfied that the applicant for a license to operate a test station is entitled to a license, it will issue him a license to operate a test station. The license will set forth the:

- (a) Name of the station;
- (b) Type and, if applicable, class of station;
- (c) Rating or ratings approved for the station;
- (d) Address of the established place of business of the licensee; and
- (e) Date on which the license expires.

[Environmental Comm'n, Engine Emission Control Reg. §§ 3.10.2, 3.10.3, 3.11.1-3.11.1.2 & 3.11.3, eff. 1-10-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; R079-98, 9-25-98)

NAC 445B.463 Test station: Grounds for denial, revocation or suspension of license; reapplication; permanent revocation of license. (NRS 445B.210, 445B.770, 445B.785)

1. Each of the following acts, omissions and conditions may constitute a ground for the denial of an application for a license to operate a test station or for the revocation or suspension of such a license:

(a) Failure of the applicant or licensee to have an established place of business in this state.

(b) Material misstatement on the application.

(c) Unfitness of the applicant or licensee, which includes, without limitation, a pattern of payment to the department with checks that are returned because of insufficient funds.

(d) The conviction of the applicant or licensee of a felony in this or any other state, any territory of the United States or in any other nation.

(e) The conviction of the applicant or licensee for violating any provision of NAC 445B.400 to 445B.735, inclusive.

(f) The conviction of the applicant or licensee for violating any provisions of chapter 598 of NRS relating to deceptive trade practices.

(g) Refusing to allow an agent of the department to inspect, during normal business hours, all books, records and files of the test station which are kept within this state. The department will treat the financial records and information obtained from an investigation as confidential and will reveal such records or information only to persons involved in the enforcement or administration of the regulations of the department, or as otherwise required by law.

(h) Commission of any fraudulent act, including, without limitation:

(1) Misrepresentation of a material fact in any manner, whether intentional or grossly negligent; and

(2) An intentional failure to disclose a material fact.

(i) Willful failure to comply with any regulation of the department.

2. In addition to the acts, omissions and conditions set forth in subsection 1, any attempt to alter the readings obtained during a test of exhaust emissions or to modify or remove the data obtained by an exhaust gas analyzer or a certified on-board diagnostic system may constitute a ground for the revocation or suspension of a license to operate a test station.

3. An applicant or licensee may not reapply for a license after its denial, revocation or suspension by the department:

(a) Until he has taken an action which removes the ground for the denial, revocation or suspension; or

(b) Within 1 year after the denial, revocation or suspension, whichever occurs first.

4. When the department determines that a licensee has engaged in conduct which is egregious or poses a serious risk to the public safety, the department may, in its discretion, permanently revoke the license of that licensee.

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.9.1, eff. 1-10-78; A 12-20-79; §§ 4.9.1.1 & 4.9.1.2, eff. 1-10-78; § 4.9.1.3, eff. 1-10-78; A 12-20-79; § 4.9.1.4, eff. 1-10-78; A and renumbered as § 4.9.1.5, 12-20-79; § 4.9.1.4, eff. 12-20-79; § 4.9.1.5, eff. 1-10-78; renumbered as § 4.9.1.6, 12-20-79; §§ 4.9.1.6 & 4.9.1.7, eff. 1-10-78; § 4.9.1.8, eff. 1-10-78; renumbered as § 4.9.1.9, 12-20-79; §§ 4.9.1.10-4.9.1.13, eff. 12-20-79; § 4.9.3, eff. 1-10-78; A 12-20-79; § 5.7, eff. 6-19-80]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-19-85, eff. 1-1-86; A by Dep't of Motor Veh. & Pub. Safety, 12-28-89; 8-19-94; 9-13-95; A by Environmental Comm'n by R205-97, 3-5-98; A by Dep't of Motor Veh. & Pub. Safety by R079-98, 9-25-98; A by Dep't of Motor Veh. by R178-01, 8-21-2002)

NAC 445B.464 Test station: Hearing concerning denial, suspension or revocation of license. (NRS 445B.785)

1. The applicant or licensee may, within 30 days after the receipt of the notice of denial or suspension or revocation, petition the director in writing for a hearing which will be conducted by the director or his authorized representative.

2. Upon filing the petition, a date for the hearing will be fixed no longer than 20 days after the receipt of the request for hearing. The applicant or licensee is entitled to be present at the hearing, testify in his own behalf and have such other persons as he desires to be present to testify at the hearing.

3. Failure of the applicant or licensee to petition the director in writing for a hearing within the 30-day period constitutes an automatic denial of the application or suspension or revocation of the license of the test station.

4. Within 10 days after the hearing, the director or his authorized representative will:

(a) Grant or finally deny the application; or

(b) Suspend or revoke the license.

5. Notwithstanding the provisions of subsections 1 to 4, inclusive, the department may, if the director finds that the action is necessary and in the public interest, upon notice to the licensee, temporarily suspend or refuse to renew the license for a period not to exceed 30 days. For good cause, the director or his designee may extend the period of suspension of the license or continue to refuse to renew the license if he deems such action to be necessary and in the public interest. In any such case, a hearing must be held and a final decision rendered within 30 days after notice of the temporary suspension.

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.10.1, eff. 1-10-78; A 12-20-79; § 4.10.2, eff. 1-10-78; § 4.10.2.1, eff. 12-20-79; § 4.10.3, eff. 1-10-78; A 12-20-79; § 4.10.4, eff. 1-10-78]—(NAC A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; R079-98, 9-25-98)

NAC 445B.465 Authorized station or authorized inspection station: Requirements for bond or deposit. (NRS 445B.210, 445B.770, 445B.785)

1. Before a license for an authorized station or authorized inspection station is furnished to any person, the department will require that the applicant procure and file with the department a good and sufficient bond in the amount of \$1,000 for an authorized station or authorized inspection station. Each bond must have a corporate surety thereon that is licensed to do business within this state and must be approved as to form by the attorney general. In lieu of the foregoing, an applicant may place on deposit with the department:

(a) Cash;

(b) A bond issued by the United States; or

(c) A savings certificate in an amount equal to the bond requirement for the applicant and conditioned that the applicant conducts his business as an authorized station or authorized inspection station without fraud or fraudulent representation and without violation of the provisions of chapters 445A, 445B and 598 of NRS or NAC 445B.400 to 445B.735, inclusive.

2. The department may require an increase in the amount of the bond or deposit of a particular licensee if the department deems it to be necessary and in the public interest.

3. The undertaking in the bond or deposit must include, without limitation, any fraud or fraudulent representation or violation of any of the provisions of chapters 445A, 445B and 598 of NRS and NAC 445B.400 to 445B.735, inclusive, by any approved inspector or employed agent for or on behalf of the authorized station or authorized inspection station.

4. The bond or deposit must provide that any person injured by the action of the licensee or employee acting on behalf of the licensee in violation of any provisions of chapters 445A, 445B and 598 of NRS and NAC 445B.400 to 445B.735, inclusive, may bring an action on the bond.

5. Any money received by the department pursuant to this section will be deposited with the state treasurer for credit to the pollution control account.

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.6.1, eff. 1-10-78; A 12-20-79; §§ 4.6.2 & 4.6.3, eff. 1-10-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; R079-98, 9-25-98)

NAC 445B.466 Authorized station or authorized inspection station: Liability under bond or deposit; suspension and reinstatement of licenses. (NRS 445B.210, 445B.770, 445B.785)

1. Liability under a bond which is filed or a deposit which is made with the department pursuant to NAC 445B.465 will be in an amount prescribed by the department.

2. The license of an authorized station or authorized inspection station is automatically suspended if:

(a) The amount of the bond filed or the deposit made is reduced below the amount required by the department pursuant to NAC 445B.465; or

(b) There is an outstanding judgment for which the authorized station or authorized inspection station is liable under the bond or deposit.

3. A license which is suspended pursuant to subsection 2 will be reinstated if the authorized station or authorized inspection station:

(a) Files an additional bond pursuant to subsection 1 of NAC 445B.465;

(b) Restores the deposit to its original amount; or

(c) Satisfies the outstanding judgment for which it is liable.

(Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; R079-98, 9-25-98)

NAC 445B.467 Authorized station or authorized inspection station: Disbursement, release or refund of bond or deposit. (NRS 445B.210, 445B.770, 445B.785) A bond which is filed or a deposit which is made with the department pursuant to NAC 445B.465 may be:

1. Disbursed by the director, for good cause shown and after notice and hearing, in an amount determined by the director to compensate a person injured by an action of the licensee.

2. Released by the director upon the receipt by the department of a statement:

(a) Signed by a person under whose name the bond or deposit is made;

- (b) Acknowledged before any person authorized to take such acknowledgments in this state;
 - (c) Requesting that the director release the bond or deposit, or a specified portion thereof; and
 - (d) Explaining the purpose for which the release of the bond or deposit is requested.
3. Refunded by the director:
- (a) Automatically 1 year after the date on which the business is terminated if the director determines that there are no outstanding claims against the bond or deposit; or
 - (b) Pursuant to the order of a court of competent jurisdiction.
- (Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; R079-98, 9-25-98)

NAC 445B.468 Authorized stations or authorized inspection stations: Coverage of bond or deposit. (NRS 445B.785) A bond which is filed or a deposit which is made with the department pursuant to NAC 445B.465 covers all authorized stations and authorized inspection stations owned by a person if all of his places of business are located in the county where his principal place of business is located.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 12-28-89; A 8-19-94; 9-13-95; R079-98, 9-25-98)

NAC 445B.469 Authorized station or authorized inspection station: Posting of signs and placards. (NRS 445B.210, 445B.770, 445B.785)

1. An authorized station or authorized inspection station shall post in a conspicuous place in the station signs or placards provided by the department which:
 - (a) Set forth the fee for the emission control test;
 - (b) Set forth the fee for each vehicle inspection report number issued; and
 - (c) Provide information regarding the program of this state for the inspection and maintenance of motor vehicles.
2. In addition to the requirements of subsection 1, an authorized station must post in a conspicuous place in the station signs or placards provided by the department which set forth the hourly labor rate charged by the authorized station.
3. An authorized station or authorized inspection station shall display at least one outdoor sign provided by the department which is posted so that it is visible from the middle of the nearest roadway adjacent to the station.
4. The department will collect a fee of \$15 for each sign posted by an authorized station or authorized inspection station that is provided by the department. The fee will be returned if the sign is returned to the department in a reusable condition.
5. An authorized station or authorized inspection station shall pay the costs of repairing and maintaining signs which are in its control.

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.5, eff. 1-10-78; A 8-16-78; § 4.5.1, eff. 1-10-78; § 4.5.2, eff. 1-10-78; A 12-20-79; § 4.5.3, eff. 1-10-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-19-85; eff. 1-1-86; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; R079-98, 9-25-98)

NAC 445B.470 Test station: Display of licenses; availability of reference information. (NRS 445B.785)

1. The license to operate a test station and all licenses issued to approved inspectors must be displayed in a conspicuous place under glass or other transparent material within the test station.
2. Except as otherwise provided in subsection 3:
 - (a) A test station shall keep attached to its exhaust gas analyzer the quick reference guides of the manufacturer on hookup and testing procedures for its exhaust gas analyzer.

(b) A test station shall have readily available to the approved inspector a reference manual or equivalent information stating the emissions devices which are required by state and federal law to be installed on each type of motor vehicle that is inspected.

(c) An authorized station or class 2 fleet station shall have readily available to the class 2 approved inspector reference information in the form of printed or electronic media explaining the operation and maintenance of the emission devices which are required by state and federal law to be installed on each type of motor vehicle.

3. A fleet station is not required to maintain the specifications or instructions of the manufacturer for any motor vehicles other than those motor vehicles used and serviced by the fleet station.

[Environmental Comm'n, Engine Emission Control Reg. § 3.10.5, eff. 1-10-78; § 3.10.6, eff. 8-16-78]—(NAC A by Dep't of Motor Veh. & Pub. Safety, 12-28-89; 8-19-94; 9-13-95; R079-98, 9-25-98)

NAC 445B.471 Test station: Advertising; distribution of brochure to public by department. (NRS 445B.785)

1. A test station shall not intentionally publish, display or circulate any advertising which is misleading or inaccurate in any material manner or misrepresent any of the services rendered to the public.

2. A test station shall not deceive a member of the public by misrepresenting the cost for any service rendered. Any advertisement, promotional material or coupon published by or on behalf of a test station that contains any reference to price or waiver of charges must clearly set forth the total dollar amount to be paid by the customer in print that is comparable in size and style to all other print in the advertisement, promotional material or coupon where price or waiver of charges is discussed. If a test station offers any service for no charge, it must specify, in print that is comparable in size and style and is located immediately adjacent to the print which states there is no charge, whether any costs will be incurred by the customer and for what reason. A test station may not use abbreviations of terms peculiar to the emissions industry in its advertising. The department will consider advertising to be deceptive if an ordinary and reasonable customer with no experience in the control of emissions could not understand the advertisement.

3. The department will provide a brochure for distribution to the general public which will explain the reasons and methods for the emission control inspection.

[Dep't of Motor Veh., Engine Emission Control Reg. §§ 4.7 & 4.7.1, eff. 1-10-78]—(NAC A Dep't of Motor Veh. & Pub. Safety, 8-19-94; R079-98, 9-25-98)

NAC 445B.472 Test station: Records of inspections and repairs; inspection of place of business. (NRS 445B.210, 445B.770, 445B.785)

1. Each test station shall maintain and have available for collection, records of all inspections and repairs, as may be applicable, for evaluation of the information at the request of the department.

2. The principal portion of the established place of business of a test station must be open to inspection during usual business hours by any authorized agent of the department.

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.3.6, eff. 1-10-78; A 12-20-79; § 4.3.7, eff. 1-10-78; § 4.3.8, eff. 1-10-78; A 8-16-78; § 4.3.9, eff. 1-10-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-19-85, eff. 1-1-86; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; R079-98, 9-25-98)

NAC 445B.473 Test station: Notice of lost or stolen certificates of compliance.
The holder of a license for a test station or his agent shall notify the department within 24 hours after a certificate of compliance has been lost or stolen.

(Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-19-85, eff. 1-1-86; A 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94)

NAC 445B.474 Test station: Failure to employ approved inspector. (NRS 445B.210, 445B.770, 445B.785)

1. Except as otherwise provided in subsections 2 and 3, a test station which does not employ an approved inspector of the appropriate rating shall:

- (a) Immediately cease to operate as a test station;
- (b) Remove or cover its sign as a test station;
- (c) Not inspect any motor vehicle or issue any evidence of compliance; and
- (d) Immediately notify the department that an approved inspector of the appropriate rating is not employed by the test station.

2. Except as otherwise provided in subsection 3, if an approved inspector of the appropriate rating is not employed within 60 days, the test station shall surrender its signs, its license as a test station and all of its forms and supplies to the department.

3. An authorized station that ceases to employ a class 2 approved inspector for a total of 120 days within a period of 12 months, but continues to employ a class 1 approved inspector of the appropriate rating, may continue to operate as an authorized station if the department is notified within 2 working days after a class 2 approved inspector with the appropriate rating is no longer employed by the facility. If the authorized station does not employ a class 2 inspector at any time after the total of 120 days within the period of 12 months is exhausted, the authorized station shall:

- (a) Immediately cease to operate as an authorized station;
- (b) Remove or cover its sign as an authorized station;
- (c) Not inspect any motor vehicle or issue any vehicle inspection report;
- (d) Immediately notify the department that an approved inspector of the appropriate rating is not employed by the authorized station; and
- (e) Surrender its signs, its license as an authorized station and all of its forms and supplies to the department.

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.8, eff. 1-10-78; §§ 4.8.1 & 4.8.2, eff. 1-10-78; A 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-19-85, eff. 1-1-86; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; R079-98, 9-25-98)

NAC 445B.475 Authorized station or class 2 fleet station: Requirements for employees.

1. An employee of an authorized station or class 2 fleet station shall not perform any testing of exhaust emissions or perform any diagnosis, repair or servicing of devices for the control of exhaust emissions unless he is licensed as a class 1 approved inspector or class 2 approved inspector.

2. Each authorized station and class 2 fleet station shall have a class 2 approved inspector on the premises during all hours of business. A class 1 approved inspector employed by an authorized station or class 2 fleet station may diagnose, repair and service a device for the control of exhaust emissions only if his work is inspected and approved in writing by a class 2 approved inspector.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 9-13-95)

NAC 445B.476 Test station: Willful failure to comply with directive; suspension of license; reapplication after revocation of license. (NRS 445B.210, 445B.770, 445B.785)

1. The failure of a licensee to comply with a directive of the director advising him of his noncompliance with any provision of NAC 445B.400 to 445B.735, inclusive, within 10 days after his receipt of the directive is prima facie evidence of his willful failure to comply with the directive.

2. If the license of a test station has been suspended for cause, the suspension will be no longer than 90 days. Upon suspension, the license of the test station must be surrendered to the department.

3. If the license of a test station has been revoked for any cause, except pursuant to NAC 445B.474, the principal officers of the test station may not reapply for a license as a test station within 1 year after the date of the revocation. Upon revocation, the license of the test station must be surrendered to the department.

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.9.2, eff. 1-10-78; A 12-20-79;

§§ 4.9.2.1 & 4.9.2.2, eff. 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-19-85, eff. 1-1-86; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; A by Environmental Comm'n by R205-97, 3-5-98; A by Dep't of Motor Veh. & Pub. Safety by R079-98, 9-25-98)

NAC 445B.478 Fleet station: Licensing; powers and duties. (NRS 445B.785)

1. A license for a class 1 fleet station or class 2 fleet station may be issued to an owner or lessee of a fleet of 25 or more motor vehicles.

2. Except as otherwise provided in NAC 445B.400 to 445B.735, inclusive, a fleet station must meet all the requirements applicable to test stations in general.

3. A fleet station may inspect only those motor vehicles which constitute its fleet and may issue evidence of compliance for such motor vehicles which are sold to the public.

[Environmental Comm'n, Engine Emission Control Reg. § 3.13.1, eff. 1-10-78; A 12-20-79; § 3.13.3, eff. 1-10-78; renumbered as § 3.13.2, 12-20-79 + Dep't of Motor Veh., Engine Emission Control Reg. § 4.19.1, eff. 1-10-78; A 12-20-79; §§ 4.19.2-4.19.2.2, eff. 1-10-78; § 4.19.3, eff. 1-10-78; A 12-20-79]—(NAC A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; R079-98, 9-25-98)

NAC 445B.480 Test station: General duties. A test station must adhere to regular business hours and must test any motor vehicle presented at its facility during such hours, except as otherwise provided in NAC 445B.478 or unless the motor vehicle is rejected for reasons of safety.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 8-19-94; A 9-13-95)

Inspectors

NAC 445B.485 Prerequisites to licensing.

1. The department will not license a person as a class 1 approved inspector unless he has demonstrated his qualifications and ability to test motor vehicles to its satisfaction by:

(a) Submitting an application, on a form provided by the department;

(b) Submitting a certificate of competence issued by the manufacturer of an exhaust gas analyzer approved by the department, indicating his ability to adjust and operate the equipment required to obtain the rating or ratings for which he is applying pursuant to NAC 445B.498, or by demonstrating to the department his ability to adjust and operate such equipment; and

(c) Successfully:

(1) Completing a training course or courses for a license as a class 1 approved inspector which was conducted or approved by the department, or equivalent training approved by the department, for the particular rating or ratings for which he is applying;

(2) Completing a written test for a license as a class 1 approved inspector which was prepared by the department for the particular rating or ratings for which the person is applying with a score of at least 80 percent; and

(3) Performing a practical demonstration of the procedures for testing prescribed by the department.

2. The department will not license a person as a class 2 approved inspector unless he has demonstrated his qualifications and ability to test motor vehicles and to diagnose, repair and service devices for the control of exhaust emissions to its satisfaction by submitting an application, on a form provided by the department, which establishes that he has:

(a) Within the last 12 months satisfied the requirements set forth in paragraphs (b) and (c) of subsection 1 for a license as a class 1 approved inspector for the particular rating or ratings for which the person is applying; and

(b) Successfully completed a written test for a license as a class 2 approved inspector which was prepared by the department for the particular rating or ratings for which the person is applying with a score of at least 80 percent.

3. The department will investigate each applicant to determine his fitness.

[Environmental Comm'n, Engine Emission Control Reg. §§ 3.12.1-3.12.1.4, eff. 1-10-78; A 12-20-79; § 3.12.2, eff. 1-10-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-23-87, eff. 7-1-88; A by Dep't of Motor Veh. & Pub. Safety, 11-10-92; 8-19-94; 9-13-95)

NAC 445B.486 Examination of applicants for licensing.

1. The department will establish written tests for the licensing and rating of class 1 approved inspectors and class 2 approved inspectors.

2. An applicant taking such a test must show that he has completed the course, courses or equivalent training required pursuant to NAC 445B.485 for the rating or ratings for which he is applying.

3. An applicant who fails to pass the written test or practical demonstration required for a license as a class 1 approved inspector must wait 7 calendar days before he may retake the test or demonstration.

4. If an applicant fails two consecutive written tests or practical demonstrations required for a license as a class 1 approved inspector, he must wait 90 days before he may retake the test or demonstration.

5. If an applicant fails three consecutive written tests or practical demonstrations required for a license as a class 1 approved inspector, he must, before he may retake the test or demonstration, wait 180 days and submit proof to the department that he has successfully completed an additional training course which is conducted or approved by the department for the rating or ratings for which he is applying.

6. If an applicant fails to pass the written test required for a license as a class 2 approved inspector, he must, before he may retake the test, submit proof to the department that he has, after failing the test, completed a training course regarding the diagnosis, repair and servicing of devices for the control of exhaust emissions which was conducted or approved by the department for the rating or ratings for which he is applying.

[Dep't of Motor Veh., Engine Emission Control Reg. § 3.12.1.5, eff. 8-16-78; + § 4.3.5, eff. 1-10-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-19-85, eff. 7-1-86; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95)

NAC 445B.487 Denial of license.

1. The department may refuse to issue a license to an applicant who fails to pass the examination required for that license pursuant to NAC 445B.485.

2. The department may refuse to issue a license to an applicant who fails to provide satisfactory evidence of his ability and competence.

[Dep't of Motor Veh., Engine Emission Control Reg. §§ 4.12.1 & 4.12.2, eff. 1-10-78]—(NAC A 9-13-95)

NAC 445B.489 Grounds for denial, suspension or revocation of license. (NRS 445B.210, 445B.770, 445B.785) The department may deny the issuance of, suspend or revoke the license of an approved inspector if:

1. He fails to establish by satisfactory evidence to the department that he is employed by a test station with an appropriate rating.

2. He has knowingly made any false statement or concealed any material fact on his application for a license.

3. He knowingly submits false, inaccurate or misleading information on evidence of compliance or any other records submitted to the department.

4. He fails to report in writing to the department every change in his place of employment or any termination of his employment within 10 days after the date of the change or termination.

5. He willfully or negligently issues evidence of compliance which contains fraudulent information. The term "fraudulent" includes, but is not limited to, a backdated document, a postdated document or a document based on anything other than actual physical inspection at the time of the issuance of the evidence of compliance.

6. He does not follow the procedures for testing prescribed by the department.

7. He allows evidence of compliance to be completed or issued by a person who is not an approved inspector.

8. He is incompetent to perform his duties.

9. He makes an inaccurate determination regarding a classification of a motor vehicle.

10. He fails to comply with any provision of NAC 445B.400 to 445B.735, inclusive.

11. He changes his place of employment, is required to use an exhaust gas analyzer which is different from the type used at his previous place of employment and fails to provide to the department a certificate of competence issued by the manufacturer of the analyzer.

12. The department determines that an applicant or approved inspector is not lawfully entitled to a license.

13. He is convicted for violating the provisions of chapter 598 of NRS relating to deceptive trade practices.

14. He is unable to demonstrate proficiency in the verbal and written expression of the English language.

[Dep't of Motor Veh., Engine Emission Control Reg. §§ 4.13.1-4.13.1.5, eff. 1-10-78; A 12-20-79; §§ 4.13.1.6-4.13.1.10, eff. 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-19-85, eff. 1-1-86; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 12-28-89; 8-19-94; 9-13-95; A by Environmental Comm'n by R205-97, 3-5-98; A by Dep't of Motor Veh. & Pub. Safety by R079-98, 9-25-98)

NAC 445B.490 Hearing on denial, suspension or revocation of license.

1. The applicant or approved inspector may, within 30 days after receipt of the notice of denial, suspension or revocation, petition the director, in writing, for a hearing which will be conducted by the director or his authorized representative.

2. Failure of the applicant or approved inspector to petition the director in writing for a hearing within the 30-day period constitutes an automatic denial of the application or suspension or revocation of the license.

3. Upon filing the petition, a date for hearing will be fixed no longer than 20 days after receipt of the request for a hearing, and the applicant or approved inspector is entitled to be present at the hearing, testify in his own behalf and to have such other persons as he desires to be present to testify at the hearing.

4. Within 10 days after the hearing, the director or his authorized representative will make written findings of fact and conclusions of law and will:

(a) Grant or finally deny the application; or

(b) Suspend or revoke the license.

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.14.1, eff. 1-10-78; A 12-20-79; § 4.14.2, eff. 1-10-78; § 4.14.2.1, eff. 12-20-79; § 4.14.3, eff. 1-10-78; A 12-20-79]—(Substituted in revision for NAC 445.910)

NAC 445B.491 Temporary suspension or refusal to renew license.

1. Notwithstanding the provisions of NAC 445B.490, the department may, if the director of the department finds that the action is necessary in the public interest, upon notice to the approved inspector temporarily suspend or refuse to renew the license for a period not to exceed 30 days.

2. In any such case, a hearing will be held and a final decision rendered within 30 days after notice of the temporary suspension.

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.14.4, eff. 1-10-78]—(Substituted in revision for NAC 445.911)

NAC 445B.492 Duration of suspension; surrender of license. When an approved inspector's license has been suspended for cause, the suspension will not exceed 90 days. The approved inspector's license must be surrendered to the department.

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.13.2, eff. 1-10-78; A 12-20-79]—(Substituted in revision for NAC 445.912)

NAC 445B.493 Limitation on reapplication after revocation or denial of license; surrender of revoked license.

1. When an approved inspector's license has been revoked for cause, the person may not reapply for an approved inspector's license for 1 year after the date of revocation.

2. The approved inspector's license which has been revoked must be surrendered to the department.

3. An applicant for an inspector's license who has been denied a license may not reapply for a license after denial:

(a) Until he has taken an action which removes the ground for the denial; or

(b) Within 1 year after the denial,

whichever first occurs.

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.13.3, eff. 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-19-85, eff. 1-1-86)—(Substituted in revision for NAC 445.913)

NAC 445B.495 Contents of license. A license issued by the department to an approved inspector must contain:

1. The inspector's name;
2. The identification number assigned to the inspector;
3. The name of the test station employing the inspector;
4. A photograph of the inspector;
5. The inspector's signature; and
6. Such other information as the department may require.

(Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, eff. 9-13-95)

NAC 445B.496 Expiration of license. An inspector's license expires at midnight on a date specified by the department. The expiration date must be indicated on the inspector's license.

(Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88)—(Substituted in revision for NAC 445.9134)

NAC 445B.497 Requirements for renewal of license.

1. If an approved inspector wishes to renew his license, he must, within the 3 months before its expiration and before it is reissued, successfully:

(a) Complete a course for the renewal of his license which is approved or developed and conducted by the department for the particular class and rating or ratings the inspector is attempting to renew; and

(b) Complete a written test, with a score of at least 80 percent, which is approved or prepared by the department for the particular class and rating or ratings the inspector is attempting to renew. Before the holder of a license as a class 2 approved inspector may take a test for the renewal of that class of license, he must submit to the department proof that he has, after the initial issuance or last renewal of his license, whichever occurred last, successfully completed a refresher course regarding the diagnosis, repair and servicing of devices for the control of exhaust emissions which was conducted or approved by the department for the rating or ratings the inspector is attempting to renew.

2. An inspector who fails to attain a score of 80 percent on the written examination required by subsection 1 for the renewal of a license as:

(a) A class 1 approved inspector may not take the examination again within 7 calendar days after the date of the first examination. If an inspector fails two consecutive written examinations for the renewal of a license as a class 1 approved inspector, he must wait 90 calendar days before he may retake the examination. If an inspector fails three consecutive written examinations for the renewal of a license as a class 1 approved inspector, he must, before he may retake the examination, wait 180 calendar days and submit proof to the department that he has successfully completed an additional course conducted or approved by the department for the rating or ratings the inspector is attempting to renew.

(b) A class 2 approved inspector must, before he may retake the examination, submit proof to the department that he has, after his failure of that examination, successfully completed a course regarding diagnosis, repair and servicing of devices for the control of exhaust emissions which was conducted or approved by the department for the rating or ratings the inspector is attempting to renew.

(Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 12-28-89; 8-19-94; 9-13-95)

NAC 445B.498 Performance of emission inspection without license prohibited; expiration of license; license ratings. (NRS 445B.785)

1. A person shall not perform any emission inspection for the purpose of issuing evidence of compliance unless he is currently licensed by the department as an approved inspector.

2. Each license issued to an approved inspector expires 24 months after the date on which the license is issued.

3. Each approved inspector shall have one or both of the following license ratings:

(a) A "G" rating to perform two-speed emissions inspections on gasoline-powered motor vehicles using the procedures set forth in NAC 445B.580.

(b) A "D" rating to perform light-duty diesel emissions inspections using the procedures set forth in NAC 445B.589.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 8-19-94; A 9-13-95; R079-98, 9-25-98)

NAC 445B.4985 Violations. (NRS 445B.785) The owner of the test station is responsible for any act or omission of an approved inspector employed by the test station which is committed while the inspector is acting within the scope of his employment which would constitute a violation of this chapter or chapter 445B of NRS.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R079-98, eff. 9-25-98)

NAC 445B.499 Fees.

1. The fee for the initial issuance and biennial renewal of an inspector's license is \$25.

2. The fee for the transfer of an inspector's license is \$10.

(Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94)

NAC 445B.501 Report of change in place of employment or termination of employment. Every inspector approved by the department shall report in writing to the department every change in his place of employment and any termination of his employment within 10 days after the date when the change or termination occurred.

[Environmental Comm'n, Engine Emission Control Reg. § 3.12.1.6, eff. 12-20-79]—
(Substituted in revision for NAC 445.914)

NAC 445B.502 Submission of certificate of employment to report change. If an approved inspector changes his place of employment, he shall submit to the department a certificate of employment indicating that he is reemployed by a test station.

(Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-13-95)

Exhaust Gas Analyzers

NAC 445B.5049 Connection to state electronic data transmission system. (NRS 445B.785) A test station shall connect its exhaust gas analyzer to the state electronic data transmission system not later than 6 months after the date on which the state electronic data transmission system is activated by the department. The department will notify each test station of the date the state electronic data transmission system is activated.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R079-98, eff. 9-25-98)

NAC 445B.505 Availability of list of approved analyzers and their specifications. A list of approved exhaust gas analyzers and specifications for those analyzers will be on file with the department. A copy of the list and specifications may be obtained by writing to:

Department of Motor Vehicles
Emission Control Section
555 Wright Way
Carson City, Nevada 89711

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.2.2, eff. 1-10-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-19-85, eff. 1-1-86; 11-23-87, eff. 7-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; 8-19-94; 9-13-95)

NAC 445B.5052 Approved analyzer. (NRS 445B.785)

1. A test station shall use an NV2000 exhaust gas analyzer to perform an inspection of a motor vehicle subject to the provisions of NAC 445B.580.
2. The department will not enroll an exhaust gas analyzer unless it is an NV2000 exhaust gas analyzer.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R106-00, eff. 12-11-2000; A by Dep't of Motor Veh. by R178-01, 8-21-2002)

NAC 445B.5055 Revocation of approval of analyzer. The department may revoke its approval of an exhaust gas analyzer if the department:

1. Determines that the analyzer fails to comply with the specifications approved by the department;
2. Notifies the manufacturer of the analyzer in writing of the facts supporting its determination pursuant to subsection 1; and
3. Provides the manufacturer of the analyzer with an opportunity to prove that the analyzer complies with those specifications.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 9-13-95)

NAC 445B.5065 Manufacturer of approved analyzer: Required warranty.

1. The manufacturer of each exhaust gas analyzer approved by the department shall provide a written warranty to each purchaser or lessee of the analyzer. The warranty must provide complete coverage of:
 - (a) Parts and labor for all systems and components of the analyzer; and
 - (b) All services provided by the manufacturer pursuant to NAC 445B.5075.
2. The warranty must include the:
 - (a) Name of the owner of the test station;
 - (b) Address and telephone number of the test station;
 - (c) Identification number of the test station; and

- (d) Terms of the warranty.
3. The warranty must extend for at least 1 year with guaranteed renewals provided for at least 5 years at the request of the purchaser or lessee.
- (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 7-1-94; A 9-13-95)—
(Substituted in revision for NAC 445B.609)

NAC 445B.5075 Manufacturer of approved analyzer: Required services.

1. The manufacturer of an exhaust gas analyzer approved by the department, or an authorized representative of the manufacturer, shall provide the services set forth in this section to each person purchasing or leasing one of those analyzers as part of the warranty required pursuant to NAC 445B.5065, and thereafter upon request by the purchaser or lessee at a cost negotiated between the parties.
2. The manufacturer or its authorized representative shall:
- (a) Deliver, install, calibrate and verify the proper operating condition of the analyzer.
 - (b) Examine, calibrate and perform routine maintenance of the analyzer and sampling systems every 3 months, including, without limitation, the replacement or cleaning of filters and hoses.
 - (c) Train all approved inspectors employed by the test station at the time of installation in the proper use, maintenance and operation of the analyzer, including the procedure for performing a vehicle inspection in this state.
 - (d) Provide additional training of new approved inspectors within 30 days after receiving an oral or written request from the operator of the test station.
 - (e) Provide on-site service calls by a qualified repair technician within 2 business days after receiving an oral or written request from the operator of the test station. The names, toll-free telephone numbers and business addresses of all of the manufacturer's representatives responsible for equipment service in the affected area must be provided to the operator of the test station for this purpose. A service representative of the manufacturer must be available to receive service calls at all times during normal working hours of each day of the week, excluding Saturdays, Sundays and national holidays. Any necessary repairs to an analyzer, replacement of components or adjustments to an analyzer, including the correction and reset of quality control lockout systems, must be accomplished at the test station within 1 day after authorization from the operator of the test station has been obtained to perform the repairs. If it is not possible to complete the work within this time, a temporary replacement analyzer meeting all program requirements of the department must be provided to the operator of the test station at no additional charge until the malfunctioning analyzer is properly repaired and returned to service.
 - (f) Provide annual updates of software as required by the department, which may include, without limitation:
 - (1) Preconditioning procedures and emission testing sequences;
 - (2) Various look-up tables;
 - (3) Procedures for data communication; and
 - (4) Criteria affecting the selection of emission standards, vehicle exemptions, and whether a vehicle passes or fails an emissions test.Other areas not specifically mentioned may also be required to be updated, but changes are not expected in all noted areas at one time.
 - (g) Provide major alterations or additions to the hardware or software of the analyzer as may be deemed necessary by the department in response to a change in requirements of the inspection and maintenance program of this state, a change in vehicle technology or other relevant change. If an update is required, the time for development will be agreed upon by the department and the manufacturer.
- (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 7-1-94; A 9-13-95)—
(Substituted in revision for NAC 445B.611)

Control of Emissions: Generally

NAC 445B.575 Device to control pollution: General requirement; alteration or modification. (NRS 445B.210, 445B.770, 445B.785)

1. Except as otherwise provided in this section, a person shall not:
 - (a) Sell, offer to sell, display, operate or leave standing any motor vehicle which is required by state or federal law to be equipped with a device for the control of pollution unless the device is correctly installed and in operating condition.
 - (b) Disconnect, alter or modify any such required device.
2. Except for NAC 445B.5815, the provisions of subsection 1 and NAC 445B.576 to 445B.582, inclusive, do not apply to an alteration or modification of a motor vehicle to use fuel other than gasoline or diesel fuel where the alteration or modification is effected without violating existing federal and state standards for the control of exhaust emissions.
3. The provisions of subsection 1 do not apply to a wholesale transaction between licensed dealers of motor vehicles.
4. The department may inspect a licensed dealer of motor vehicles to determine compliance with this section. Such inspections must be conducted in accordance with subparagraph (2) of paragraph (a) of subsection 4 of NAC 445B.580.
5. As used in this section, a “device for the control of pollution” includes, without limitation, a gasoline cap which meets the specifications of the manufacturer of the motor vehicle and seals the neck or pipe of the fuel filler.

[Environmental Comm’n, Engine Emission Control Reg. § 3.1, eff. 1-10-78]—(NAC A by Environmental Comm’n & Dep’t of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep’t of Motor Veh. & Pub. Safety, 9-28-88; 12-28-89; 9-13-95; 12-4-96; R079-98, 9-25-98; A by Environmental Comm’n by R055-00, 7-27-2000; A by R017-02, 4-5-2002, eff. 3-1-2002)

NAC 445B.576 Vehicles powered by gasoline or diesel fuel: Restrictions on visible emissions and on idling of diesel engines.

1. A person shall not operate a motor vehicle powered by gasoline which emits smoke.
2. Except as otherwise provided in subsection 3, visible emissions of diesel-powered motor vehicles or special mobile equipment manufactured:
 - (a) Before January 1, 1970, must not exceed an opacity of 40 percent for more than 15 consecutive seconds or for periods aggregating more than 5 minutes in any 1 hour.
 - (b) On or after January 1, 1970, must not exceed an opacity of 20 percent for more than 15 consecutive seconds or for periods aggregating more than 5 minutes in any 1 hour.
3. For the purpose of compliance with the inspection and maintenance program of this state required by subsection 1 of NRS 445B.795, visible emissions of light-duty motor vehicles powered by diesel engines must not exceed an opacity of:
 - (a) Thirty percent at an elevation of less than 4,000 feet above mean sea level for more than 5 consecutive seconds or for periods aggregating more than 5 minutes in any 1 hour; or
 - (b) Forty percent at an elevation of 4,000 feet or more above sea level for more than 5 consecutive seconds or for periods aggregating more than 5 minutes in any 1 hour.
4. Except as otherwise provided in this subsection, a person shall not idle the engine of a diesel truck or a bus for more than 15 consecutive minutes. The provisions of this subsection do not apply to a diesel truck or a bus:
 - (a) For which the commission has issued a variance from the requirements of this subsection. A variance is not effective during an air pollution emergency as defined in the air quality plan for the State of Nevada.
 - (b) Which is an emergency vehicle.
 - (c) Used for the removal of snow.

- (d) Used to repair or maintain other motor vehicles.
- (e) Which is stopped because of traffic congestion while in transit on a highway, roadway or street.
- (f) Which is idling while a repair or maintenance is being performed on it at a shop or facility for the repair and maintenance of motor vehicles.
- (g) The emission from which is contained and treated by a method approved by the commission.
- (h) The engine of which must idle to perform a specific task for which it is designed such as well drilling, trenching or hoisting. Such a diesel truck or a bus may not idle for more than 15 consecutive minutes during an air pollution emergency as defined in the air quality plan for the State of Nevada.

5. As used in this section, “mean sea level” means the average level of the sea between high and low tide.

[Environmental Comm’n, Engine Emission Control Reg. §§ 3.2-3.4, eff. 1-10-78]—(NAC A by Environmental Comm’n & Dep’t of Motor Veh. & Pub. Safety, 11-19-85, eff. 1-1-86; 11-23-87, eff. 1-1-88; A by Environmental Comm’n, 12-26-89; 10-22-92)—(Substituted in revision for NAC 445.920)

NAC 445B.577 Devices used on stationary rails: Restrictions on visible emissions.

1. Except as provided by federal regulation, visible emissions from devices manufactured before January 1, 1970, used exclusively upon stationary rails must not exceed an opacity greater than 60 percent for more than 15 consecutive seconds.

2. Except as provided by federal regulation, a person shall not operate a device manufactured on or after January 1, 1970, used exclusively upon stationary rails at or below 5,000 feet (1,500 meters) elevation where the period of continuous visible emission is of an opacity greater than 40 percent for more than 15 consecutive seconds.

[Environmental Comm’n, Engine Emission Control Reg. §§ 3.5 & 3.6, eff. 1-10-78]—(NAC A by Environmental Comm’n & Dep’t of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88)—(Substituted in revision for NAC 445.921)

NAC 445B.578 Exceptions to restrictions on visible emissions.

1. Scheduled maintenance or repairs which result in emissions of air contaminants performed in an area determined by the department as constituting a repair shop do not violate NAC 445B.575 to 445B.582, inclusive.

2. Diesel-powered motor vehicles and special mobile equipment may exceed the visible emissions set forth in subsections 2 and 3 of NAC 445B.576 for not longer than 15 minutes for stationary warmup of cold engines to achieve operating temperatures.

3. Visible emissions in excess of those set forth in NAC 445B.577 do not violate the requirements of NAC 445B.575 to 445B.582, inclusive, if the visible emissions occur:

- (a) During maintenance or repairs.
- (b) For a period of 40 consecutive seconds or less during acceleration under load.
- (c) For a period of 4 consecutive minutes or less when loaded after a period of idle.

[Environmental Comm’n, Engine Emission Control Reg. §§ 3.7.1-3.7.3.3, eff. 1-10-78]—(NAC A by Environmental Comm’n & Dep’t of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Environmental Comm’n, 10-22-92)—(Substituted in revision for NAC 445.922)

NAC 445B.579 Inspection of vehicle: Devices for emission control required. (NRS 445B.210, 445B.770, 445B.785) Any motor vehicle which is manufactured on or after

January 1, 1981, and subject to inspection in accordance with the provisions of chapter 445B of NRS and the table set forth in NAC 445B.596, as a condition of compliance with the inspection, must have a catalytic converter, fuel inlet restricter, air injection system, exhaust gas recirculation valve and fuel inlet cap if the motor vehicle was originally equipped by the manufacturer with such equipment. The equipment required by this section must be installed and properly operating in accordance with the specifications for emission control of the manufacturer of the motor vehicle.

[Environmental Comm'n, Engine Emission Control Reg. § 3.7.5, eff. 1-10-78; § 3.8.1, eff. 1-10-78; A 12-20-79; § 3.16, eff. 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; A by Environmental Comm'n, 12-26-89; A by Dep't of Motor Veh. & Pub. Safety by R079-98, 9-25-98)

NAC 445B.580 Inspection of vehicle: Procedure for certain vehicles with model year of 1995 or older and heavy-duty vehicles with model year of 1996 or newer. (NRS 445B.785)

1. Except as otherwise provided in subsection 4, the provisions of this section apply to inspections of:

- (a) All motor vehicles with a model year of 1968 to 1995, inclusive; and
- (b) With regard to motor vehicles with a model year of 1996 or newer, all heavy-duty motor vehicles.

2. After the owner or operator of a motor vehicle subject to the provisions of this section requests an inspection, an approved inspector shall follow the sequence of prompts displayed by the exhaust gas analyzer when conducting the inspection. While the vehicle is at normal operating temperature, the inspector shall connect the exhaust gas analyzer to the vehicle following the sequence of instructions programmed into the analyzer. The probe of the analyzer must be placed in the exhaust pipe of the vehicle. With the engine speed increased to 2,500 revolutions per minute, a steady level of carbon monoxide and hydrocarbons must be recorded by the analyzer. The engine speed must be returned to idle and a steady level of carbon monoxide and hydrocarbons must be recorded. If the vehicle is equipped with dual exhaust pipes, a test must be completed on both exhaust pipes and the average level of carbon monoxide and hydrocarbons must be recorded when the engine speed is increased to 2,500 revolutions per minute and when the engine speed is returned to idle.

3. The inspector shall visually inspect:

- (a) The exhaust system to determine whether or not there is smoke when idling and at 2,500 revolutions per minute; and
- (b) The engine to determine whether or not there are blowby gases from the crankcase when idling and at 2,500 revolutions per minute.

4. The inspector shall:

- (a) Visually inspect:
 - (1) All motor vehicles subject to the provisions of this section to determine the presence of a properly installed gas cap; and
 - (2) Each motor vehicle with a model year of 1981 to 1995, inclusive, and, with regard to motor vehicles with a model year of 1996 or newer, each heavy-duty motor vehicle, to determine the presence of an exhaust gas recirculation valve, catalytic converter, air injection system and fuel inlet restricter, and whether that equipment appears to be operating in accordance with the specifications of the manufacturer of the vehicle; and
- (b) Enter the results of the visual inspection into the analyzer.

5. The inspector shall complete each test and issue a vehicle inspection report indicating whether or not the vehicle passes the inspection.

6. The inspector shall issue a vehicle inspection report indicating that the vehicle did not pass the inspection if:

(a) The emissions from the vehicle exceed the maximum levels for carbon monoxide or hydrocarbons, or both, as prescribed in NAC 445B.596;

(b) Smoke or blowby is visible; or

(c) The vehicle does not meet the requirements of NAC 445B.579.

7. If a motor vehicle subject to the provisions of this section passes all portions of an inspection but has an improper gas cap or no gas cap, the owner or operator of the motor vehicle shall obtain a gas cap which is in accordance with the specifications of the manufacturer of the vehicle. The inspector shall inspect the new gas cap and certify its presence in a manner prescribed by the department, and sign and date the failing vehicle inspection report beneath the gas cap tamper description. Such a vehicle inspection report may be used as evidence of compliance.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 12-28-89; A 5-17-90; 8-19-94; 9-13-95; R079-98, 9-25-98; A by Dep't of Motor Veh. by R178-01, 8-21-2002)

NAC 445B.5805 Inspection of vehicle: Procedure for light-duty vehicles with model year of 1996 or newer. (NRS 445B.785)

1. The provisions of this section apply to inspections of light-duty motor vehicles with a model year of 1996 or newer.

2. After the owner or operator of a motor vehicle subject to the provisions of this section requests an inspection, the inspector shall:

(a) Turn the ignition switch to the off position for at least 12 seconds.

(b) Locate the data-link connector for the vehicle and connect the test equipment.

(c) Visually inspect the operation of the malfunction illumination light while turning the ignition switch to the run position with the engine off.

(d) Start the vehicle and, with the engine running, establish communication with the certified on-board diagnostic system installed in the vehicle.

(e) Visually inspect the vehicle to determine whether the malfunction illumination light is commanded on.

(f) Review the emission readiness code status.

(g) Retrieve all data trouble codes that are present.

3. The inspector shall complete each test and issue a vehicle inspection report indicating whether or not the vehicle passes the inspection.

4. The inspector shall issue a vehicle inspection report indicating that the vehicle did not pass the inspection if:

(a) The vehicle has a malfunction illumination light that fails to illuminate during a visual inspection while the ignition switch is turned to the run position with the engine off;

(b) The vehicle has its malfunction illumination light commanded on continuously;

(c) The vehicle has a data-link connector that is missing, has been tampered with or is inoperable, including related electrical circuitry;

(d) There is no serial data communication from the certified on-board diagnostic system installed in the vehicle;

(e) The vehicle has a model year of 2001 or newer and has more than one unset readiness indicator;

(f) The vehicle has a model year of 1996 to 2000, inclusive, and has more than two unset readiness indicators; or

(g) Smoke is visible in the exhaust emissions from the vehicle with the engine speed at idle.

(Added to NAC by Dep't of Motor Veh. by R178-01, eff. 8-21-2002)

REVISER'S NOTE.

The regulation of the department of motor vehicles filed with the Secretary of State on August 21, 2002 (LCB File No. R178-01), the source of this section (section 3 of the regulation), contains the following provision not included in NAC:

“Sec. 12. Notwithstanding the provisions of section 3 of this regulation [NAC 445B.5805] and NAC 445B.580 to the contrary, if a light-duty motor vehicle with a model year of 1996 or newer is inspected pursuant to section 3 of this regulation [NAC 445B.5805] on or before December 31, 2002, and does not pass the inspection, the inspector shall inspect the vehicle pursuant to NAC 445B.580 and issue a vehicle inspection report pursuant to that section indicating whether or not the vehicle passes the inspection.”

**NAC 445B.581 Inspection of vehicle: Place and equipment for performance.
(NRS 445B.210, 445B.770, 445B.785)**

1. An inspection may be performed only at the established place of business by an approved inspector.

2. An inspection of a motor vehicle subject to the provisions of NAC 445B.580 must be performed using an exhaust gas analyzer which is approved by the department.

[Environmental Comm'n, Engine Emission Control Reg. § 3.10.4, eff. 1-10-78; 8-16-78; 12-20-79]—(NAC A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95; R079-98, 9-25-98; R106-00, 12-11-2000; A by Dep't of Motor Veh. by R178-01, 8-21-2002)

**NAC 445B.5815 Inspection of vehicle: Certified on-board diagnostic systems.
(NRS 445B.210, 445B.770)**

1. Any motor vehicle with a 1996 or newer model year which is equipped with a certified on-board diagnostic system and which is subject to inspection pursuant to chapter 445B of NRS, as a condition of compliance with the inspection, must have the certified on-board diagnostic system inspected.

2. The department shall develop test procedures and certify equipment to be used for inspecting certified on-board diagnostic systems.

3. As used in this section, “certified on-board diagnostic system” means a computer system which is contained within the vehicle and which is certified by the United States Environmental Protection Agency to be fully capable of monitoring all the sensors and actuators in the drivetrain of the vehicle to determine whether the sensors and actuators are working as intended.

(Added to NAC by Environmental Comm'n by R055-00, eff. 7-27-2000; A by R017-02, 4-5-2002, eff. 3-1-2002)

NAC 445B.582 Repair of vehicle; reinspection or retesting.

1. If a vehicle exceeds the limits prescribed in subsection 3 of NAC 445B.576 for visible emissions or NAC 445B.596 for the emission of carbon monoxide or hydrocarbons, or both, it must be repaired and reinspected. If the vehicle passes the reinspection, it is eligible for registration. If the vehicle fails the reinspection, a waiver may be issued as provided in NAC 445B.590.

2. A vehicle owned by a fleet station or a public entity may be retested after repairs by that fleet station or public entity. If the vehicle passes the retesting, it is eligible for registration. If the vehicle fails the retesting, a waiver may be issued as provided in NAC 445B.590.

[Environmental Comm'n, Engine Emission Control Reg. § 3.14.6, eff. 8-16-78; A and renumbered as §§ 3.15.2 & 3.15.3, 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; A by Environmental Comm'n, 12-26-89; A by Dep't of Motor Veh. & Pub. Safety, 12-28-89; A by Environmental Comm'n, 11-23-92; A by Dep't of Motor Veh. & Pub. Safety, 9-13-95)

NAC 445B.583 Evidence of compliance: Purpose; records. (NRS 445B.210, 445B.760, 445B.770, 445B.785)

1. The primary use of evidence of compliance is for the registration of a used motor vehicle as required by chapter 445B of NRS, requiring the submission of certificates of compliance or evidence of compliance with NAC 445B.400 to 445B.735, inclusive, for submission to the department upon application for registration by an owner of a used motor vehicle.

2. All materials or documents which are used by a test station in its inspection program must be kept at the station.

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.16.1, eff. 1-10-78; § 4.16.2, eff. 8-16-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-13-95; A by Environmental Comm'n by R205-97, 3-5-98; A by Dep't of Motor Veh. & Pub. Safety by R079-98, 9-25-98)

NAC 445B.584 Evidence of compliance: Purchase of vehicle inspection report numbers. (NRS 445B.210, 445B.770, 445B.785)

1. Vehicle inspection report numbers may be purchased only by a test station and may be obtained from the branch offices of the department.

2. A test station shall not purchase or otherwise obtain vehicle inspection report numbers from a source other than the department.

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.17.1, eff. 1-10-78; A 12-20-79; § 4.17.1.1, eff. 1-10-78; § 4.17.1.2, eff. 1-10-78; A 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 12-28-89; 9-13-95; R079-98, 9-25-98)

NAC 445B.585 Evidence of compliance: Issuance by approved inspector. (NRS 445B.210, 445B.770, 445B.785) No person other than an approved inspector who is employed by a test station may issue evidence of compliance.

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.18.1, eff. 1-10-78; A 12-20-79; § 4.18.2, eff. 1-10-78; A 8-16-78; 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-19-85; eff. 1-1-86; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; 9-13-95; R079-98, 9-25-98)

NAC 445B.586 Evidence of compliance: Return of fee. (NRS 445B.210, 445B.770, 445B.785) If evidence of compliance is not required for registration by NAC 445B.592 to 445B.595, inclusive, or an inspection is performed by an inspector who the department determines did not follow the correct procedures for inspection or is performed fraudulently, the authorized station or authorized inspection station where the inspection was performed shall remit to the bearer, upon demand, the amount of the fee for the inspection and the vehicle inspection report number.

[Dep't of Motor Veh., Engine Emission Control Reg. § 4.16.2, eff. 8-16-78; A and renumbered as § 4.16.3, 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-19-85, eff. 1-1-86; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 12-28-89; 9-13-95; R079-98, 9-25-98)

NAC 445B.587 Testing of light-duty motor vehicles powered by diesel engines: Equipment for measurement of smoke opacity. (NRS 445B.785)

1. Equipment for the measurement of smoke opacity from light-duty motor vehicles powered by diesel engines must include a dynamometer and a smoke opacity meter.

2. The dynamometer must have:

- (a) The capacity to absorb a minimum of 100 horsepower.
- (b) A mechanism for controlling the load that is capable of:

- (1) Infinitely variable settings throughout the load and speed range from no-load to full-load;
 - (2) Being set at a load or speed and, until deactivated, maintaining a preset setting without additional input from the load controller; and
 - (3) Being operated in the following function modes:
 - (I) Constant speed;
 - (II) Constant torque;
 - (III) Constant horsepower; and
 - (IV) Manual absorber.
 - (c) Computer controls which include, without limitation:
 - (1) A model 286 12-megahertz central processing unit;
 - (2) A 256 kilobyte video graphic array color card;
 - (3) A 1.44 megabyte floppy drive;
 - (4) Five hundred and twelve kilobytes of random access memory;
 - (5) Parallel printer interface; and
 - (6) Digital and analog data acquisition interface.
 - (d) A minimum roller diameter of 8.5 inches.
 - (e) One hundred and fifteen volt AC single phase 60 Hz power.
 - (f) A weight limit of 6,000 pounds per axle.
 - (g) A provision for checking the accuracy of the calibration of the dynamometer in the field, including, without limitation, an electrical output signal, interface and attendant instrumentation. Equipment, tools and procedures recommended or specified by the manufacturer for the calibration and adjustment of the dynamometer must be available.
 - 3. The smoke opacity meter must have:
 - (a) Calibration accuracy within 1 percent.
 - (b) Linearity within 1 percent, from 0 to 60 percent opacity.
 - (c) Drift within 1 percent of the temperature range specified by the manufacturer.
 - (d) A response time of less than 2 seconds from 0 to 90 percent of scale.
 - (e) A warm-up time of not more than 10 minutes.
 - (f) An operating temperature range from 32 to 120 degrees Fahrenheit.
 - (g) One hundred and fifteen volts AC input, if operated from alternating current.
 - (h) Batteries which are replaceable or rechargeable, and which allow for the operation of the smoke opacity meter without AC input.
 - (i) A RS232C standardized serial interface.
 - (j) The ability to measure exhaust opacity continuously.
- (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 11-10-92; A by R079-98, 9-25-98)

NAC 445B.588 Testing of light-duty motor vehicles powered by diesel engines: List of approved equipment. A list of equipment approved for testing light-duty motor vehicles powered by diesel engines and specifications for that equipment will be on file with the department. A copy of the list may be obtained by writing to:

Department of Motor Vehicles
 555 Wright Way
 Carson City, Nevada 89711

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 11-10-92)—(Substituted in revision for NAC 445.9304)

NAC 445B.589 Testing of light-duty motor vehicles powered by diesel engines: Procedure; certificate of compliance; effect of failure. (NRS 445B.785)

1. An inspector shall comply with the following procedure when testing a light-duty motor vehicle powered by a diesel engine:

(a) The test procedure must include, without limitation, a preparation phase, a tampering inspection phase and an opacity test phase.

(b) In the preparation phase:

(1) The vehicle must be placed on a dynamometer, the transmission must be placed in neutral and the vehicle must be properly restrained to prevent any rolling motion.

(2) The inspector may place an auxiliary cooling fan into position approximately 12 inches in front of the cooling system of the motor vehicle.

(3) The inspector shall then affix a smoke opacity meter which has been calibrated and zeroed to the exhaust system of the vehicle according to the recommendations of the manufacturer of the meter. Vehicles with dual exhaust configurations must have the smoke opacity meter attached to the exhaust pipe displaying the highest observed opacity.

(4) If an exhaust removal system is used, it must be installed so that all of the exhaust from the vehicle being tested is passed through the smoke opacity meter.

(c) In the tampering inspection phase, the inspector shall visually inspect:

(1) All vehicles with a model year of 1981 or newer to ensure that all equipment for emission control which is listed on the manufacturer's emission label is present and appears to be operational; and

(2) All vehicles to verify the presence of a properly installed fuel cap.

(d) During the opacity test phase, the inspector shall:

(1) Verify that the vehicle is at normal operating temperature before beginning the test. If the vehicle has cooled down below its normal operating temperature during its placement on the dynamometer, it must be operated until its normal operating temperature is reached.

(2) Test vehicles with varying engine sizes under the following speed and load conditions:

Number of Cylinders	Speed (± 4 miles per hour)	Load (± 1 horsepower)
4	40	7.0
6	40	15.0
8	40	30.0

(3) Maintain the required speed and load condition on the vehicle being tested for 10 seconds. The engine opacity must be stored and printed at the end of the 10-second interval.

2. The inspector shall issue a certificate of compliance indicating the results of the test. The printout from the opacity meter must be provided with the certificate of compliance. The test is complete if the vehicle passes the tampering inspection phase and the results of the opacity test phase comply with the standards set forth in NAC 445B.576. A vehicle which exceeds the opacity standards or which fails the tampering inspection phase must be considered to have failed the inspection and the inspector shall issue a certificate of compliance reflecting the failure.

3. A vehicle which:

(a) Fails the tampering inspection phase must be repaired and reinspected.

(b) Fails the opacity test must be repaired and retested.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 11-10-92; A by R079-98, 9-25-98)

NAC 445B.5895 Provision of list of authorized stations. (NRS 445B.785) An authorized inspection station must provide a list of authorized stations to the owner or operator of a motor vehicle that fails an inspection. The department will provide the list of authorized stations to each authorized inspection station in this state.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety by R079-98, eff. 9-25-98)

NAC 445B.590 Waiver of standards for emissions. (NRS 445B.210, 445B.760, 445B.770, 445B.785, 445B.825)

1. Only the department may grant a waiver from the standards for emissions as set forth in subsection 3 of NAC 445B.576 or in NAC 445B.596.

2. An application for a waiver from the provisions of NAC 445B.596 for a motor vehicle powered by gasoline that is subject to an inspection pursuant to:

(a) NAC 445B.594 must include receipts from an authorized station that at least \$200 has been spent on parts other than a catalytic converter, fuel inlet restricter or air injection system or on labor other than emission testing if the repairs evidenced by the receipt were directly related to the deficiency in emissions. If the vehicle is repaired by the owner, the application must include receipts or other evidence that at least \$200 has been spent on parts other than a catalytic converter, fuel inlet restricter or air injection system purchased within 14 calendar days after the initial emissions test. No allowance will be permitted for labor on vehicles repaired by the owner.

(b) NAC 445B.593 must include receipts from an authorized station that at least \$450 has been spent on parts other than a catalytic converter, fuel inlet restricter or air injection system or on labor other than emission testing if the repairs evidenced by the receipt were directly related to the deficiency in emissions.

3. Except as otherwise provided in subsection 4, an application for a waiver for a light-duty motor vehicle powered by a diesel engine from the provisions of subsection 3 of NAC 445B.576 must include:

(a) A copy of the original certificate indicating that the vehicle failed to comply with the provisions of subsection 3 of NAC 445B.576; and

(b) Receipts or other evidence that at least \$750 has been spent on:

(1) Parts other than required emission control equipment; or

(2) Labor other than emission testing if the repairs evidenced by the receipt were directly related to the deficiency in emissions.

Receipts must be dated within 14 calendar days after the date of issuance of the certificate indicating that the vehicle failed to comply with subsection 3 of NAC 445B.576.

4. If the owner of a light-duty motor vehicle powered by a diesel engine repairs the vehicle, an application for a waiver from the provisions of subsection 3 of NAC 445B.576 must include:

(a) A copy of the original certificate indicating that the vehicle failed to comply with the provisions of subsection 3 of NAC 445B.576; and

(b) Receipts or other evidence that at least \$500 has been spent on parts other than required emission control equipment. No allowance will be permitted for labor on a vehicle repaired by the owner.

Receipts must be dated within 14 calendar days after the date of issuance of the certificate indicating that the vehicle failed to comply with subsection 3 of NAC 445B.576.

5. The department will deny an application for a waiver if the parts have not been installed or the repairs performed as indicated on the receipts presented to the department.

6. The department will allow registration of the vehicle if:

(a) The provisions of NAC 445B.582 have been complied with; and

(b) The department finds after inspection that additional costs exceeding the minimum established in this section are needed to bring the vehicle into compliance.

7. A vehicle which qualifies for repairs under a warranty is not eligible for a waiver.

8. A waiver permits the registration of the vehicle.

[Environmental Comm'n, Engine Emission Control Reg. § 3.14.1, eff. 1-10-78; A and renumbered as § 3.15.1.1, 12-20-79; § 3.14.2, eff. 1-10-78; A and renumbered as § 3.15.1.2, 12-20-79; § 3.14.3, eff. 1-10-78; A and renumbered as § 3.15.1.3, 12-20-79; § 3.14.5, eff. 1-10-78; A and renumbered as § 3.15.1.4, 12-20-79; § 3.15.1, eff. 1-10-78; A 12-20-79; § 3.15.4, eff. 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; A by Environmental Comm'n, 12-26-89; 11-23-92; R033-98, 5-14-98)

NAC 445B.591 Form for registration of vehicle in area where inspection of vehicle not required.

1. The department will make available a form for the registration or the renewal of registration for a motor vehicle which is not in an area where a program for the annual inspection of emissions from motor vehicles has been established.

2. The form must be completed and submitted to the department pursuant to its instructions.

(Added to NAC by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88)—(Substituted in revision for NAC 445.9315)

NAC 445B.592 Applicability of requirements for inspections and certain standards for emissions. The provisions of subsection 3 of NAC 445B.576 and NAC 445B.593 to 445B.596, inclusive, do not apply to any:

1. Motorcycle or moped.
2. Motor vehicle which is subject to prorated registration pursuant to NRS 706.801 to 706.861, inclusive, and is not based in this state.
3. New motor vehicle until the third registration of the vehicle.
4. Motor vehicle permanently converted from gasoline to propane, compressed natural gas (CNG), methane or butane as a fuel.
5. Motor vehicle with a model year before 1968.
6. Heavy-duty motor vehicle powered by a diesel engine.

[Environmental Comm'n, Engine Emission Control Reg. § 3.7.4, eff. 1-10-78; A 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 10-19-85, eff. 1-1-86; A by Environmental Comm'n, 12-26-89; 11-23-92; 11-9-95)

NAC 445B.593 Inspections required in Clark County.

1. On or after October 1, 1983, persons who are registering or reregistering a used motor vehicle in Clark County must provide evidence of compliance for those vehicles except for any which are based at addresses serviced by one of the following post offices:

- (a) Bunkerville;
- (b) Indian Springs;
- (c) Jean;
- (d) Goodsprings;
- (e) Logandale;
- (f) Mesquite; or
- (g) Moapa.

2. The department will establish and maintain a list by zip code of the addresses which are exempted from this section.

[Environmental Comm'n, Engine Emission Control Reg. § 3.9.2, eff. 1-10-78; A 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-19-85, eff. 1-1-86; A by Environmental Comm'n, 12-26-89)—(Substituted in revision for NAC 445.934)

NAC 445B.594 Inspections required in Washoe County.

1. On or after October 1, 1983, persons who are registering or reregistering used motor vehicles in Washoe County must provide evidence of compliance for those vehicles except for any which are based at addresses serviced by one of the following post offices:

- (a) Crystal Bay;
- (b) Empire;
- (c) Gerlach;
- (d) Nixon;
- (e) Wadsworth; or
- (f) Incline Village.

2. The department will establish and maintain a list by zip code of the addresses which are exempted from this section.

[Environmental Comm'n, Engine Emission Control Reg. § 3.9.3, eff. 1-10-78; A 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; A by Environmental Comm'n, 12-26-89)—(Substituted in revision for NAC 445.935)

NAC 445B.595 Inspections of vehicles owned by state or political subdivisions or operated on federal installations.

1. Motor vehicles owned by the state or any of its political subdivisions which are provided distinguishing license plates issued by the department must be inspected and certified annually if they are based in those areas where a program for the inspection of exhaust emissions has been put into effect.

2. Motor vehicles operated on federal installations located within an area requiring a program for the inspection of exhaust emissions must be inspected and certified annually. The provisions of this subsection:

(a) Apply to all motor vehicles which are owned, leased or operated by an employee of, or military personnel stationed at, a federal installation;

(b) Apply to all motor vehicles which are owned, leased or operated by any agency of the Federal Government on a federal installation;

(c) Do not apply to tactical military vehicles operated on a federal installation; and

(d) Do not apply to motor vehicles which are owned, leased or operated on a federal installation by visiting federal employees or military personnel when the visit does not exceed 60 days within any 1 calendar year. A federal installation shall annually submit to the department evidence showing that it has complied with the provisions of this paragraph, in a form prescribed by the department.

[Environmental Comm'n, Engine Emission Control Reg. § 3.9.4, eff. 1-10-78; 12-20-79]—(NAC A by Environmental Comm'n & Dep't of Motor Veh. & Pub. Safety, 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; A by Environmental Comm'n, 12-26-89; A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95)

NAC 445B.596 Standards for emissions. (NRS 445B.210, 445B.770, 445B.780, 445B.785)

1. Each motor vehicle powered by gasoline with a model year of 1968 to 1995, inclusive, and, with regard to motor vehicles with a model year of 1996 or newer, each heavy-duty motor vehicle powered by gasoline, that is subject to an inspection pursuant to NAC 445B.593, 445B.594 or 445B.595 must not have:

(a) Smoke in its emissions from its exhaust or crankcase when the prescribed procedure for the testing is used.

(b) Carbon monoxide or hydrocarbon, or both, in its emissions from its exhaust in excess of the limits set forth in subsection 3 or 4.

2. The measurements required by subsection 1 must be made with an approved exhaust gas analyzer and under the prescribed procedure. The engine must be at normal operating temperature, but if it has been operating at an idle for more than 5 minutes, it must be purged before the measurement is taken.

3. The following standards apply to light-duty motor vehicles subject to subsection 1:

Model Year	Maximum CO%	Maximum HC(PPM)
1968-1969	4.0	800
1970-1974	3.5	700
1975-1978	2.5	500
1979-1980	2.0	500
1981-1995	1.2	220

4. The following standards apply to heavy-duty motor vehicles subject to subsection 1:

Model Year	Maximum CO%	Maximum HC(PPM)
1968-1969	7.0	1400
1970-1978	6.0	1400
1979	5.0	1000
1980	4.0	1000
1981 and newer	3.5	1000

[Environmental Comm'n, Engine Emission Control Reg. § 3.8.2, eff. 1-10-78]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-19-85, eff. 1-1-86; 11-19-85, eff. 1-1-87; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-28-88; A by Environmental Comm'n, 12-26-89; 7-5-94; 11-9-95; A by Dep't of Motor Veh. by R178-01, 8-21-2002)

NAC 445B.598 Imposition and statement of fee for inspection and testing; listing of stations and fees.

1. For inspecting and testing a motor vehicle in accordance with the required procedure, an authorized station or authorized inspection station may charge a reasonable fee but not more than the maximum fee prescribed by the department pursuant to NAC 445B.599.

2. The department will not issue a license to such a station pursuant to NAC 445B.460 to 445B.480, inclusive, until the applicant has furnished the department a written statement of the fee which it will charge for performing the required procedures for inspection and testing.

3. The department will maintain a list of authorized stations and authorized inspection stations, and their statements of current fees for inspection and testing.

[Dep't of Motor Veh., Engine Emission Control Reg. §§ 5.1-5.3, eff. 6-19-80]—(NAC A by Dep't of Motor Veh. & Pub. Safety, 8-19-94; 9-13-95)

NAC 445B.599 Prescription and notice of maximum fees for inspections and testing. (NRS 445B.785)

1. The department will annually prescribe the maximum fees for inspections and testing by authorized stations and authorized inspection stations, and will mail a notice of the applicable maximum fee to each authorized station and authorized inspection station.

2. For each county where a program of inspection and testing of vehicles is in effect, the department will determine the maximum fee which may be charged for the inspection and for issuing evidence of compliance, by taking 35 percent of the average hourly shop labor rate charged by the authorized stations within the county and rounding the result to the nearest 50 cents.

3. If an authorized station or authorized inspection station is located outside any county where the inspection and testing of vehicle emissions is in effect, the department will prescribe as the maximum fee for the station the maximum fee of the nearest county where the program is in effect.

[Dep't of Motor Veh., Engine Emission Control Reg. §§ 5.1.2, 5.1.4 & 5.1.5, eff. 6-19-80]—(NAC A by Environmental Comm'n & Dep't of Motor Veh., 10-1-83; 11-23-87, eff. 1-1-88; A by Dep't of Motor Veh. & Pub. Safety, 9-13-95; R079-98, 9-25-98)

NAC 445B.600 Procedure for setting new fee.

1. An authorized station or authorized inspection station must not put a new fee into effect unless it first submits to the department a written request that the new fee be listed and receives the department's acknowledgment.

2. Within 10 days after receiving such a request, the department will send a written acknowledgment to the authorized station or authorized inspection station.

[Dep't of Motor Veh., Engine Emission Control Reg. § 5.4, eff. 6-19-80]—(NAC A 9-13-95)

NAC 445B.601 Concealment of emissions prohibited. A person shall not install, construct or use any device which conceals any emission without resulting in a reduction in the total release of air contaminants to the atmosphere.

[Environmental Comm'n & Dep't of Motor Veh. Reg. § 2.2.1, eff. 1-10-78]—(Substituted in revision for NAC 445.944)

Restored Vehicles

NAC 445B.6115 Exemption of vehicle from certain provisions. (NRS 445B.210, 445B.760) The provisions of NAC 445B.575 to 445B.601, inclusive, do not apply to a motor vehicle that is certified as a restored vehicle by the department pursuant to NAC 445B.6125.

(Added to NAC by Environmental Comm'n by R205-97, eff. 3-5-98; A by R055-00, 7-27-2000)

NAC 445B.6125 Certification of vehicle for exemption. (NRS 445B.210, 445B.760) The department may certify a motor vehicle as a restored vehicle if the motor vehicle:

1. Is licensed pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816;
2. Does not emit smoke;
3. Has an engine that complies with the standards for emissions set forth in NAC 445B.596 for the model year of the motor vehicle as determined by a two-speed emissions test conducted by the department pursuant to NRS 445B.798 or conducted at an authorized station or authorized inspection station; and
4. Has been certified upon each annual registration required pursuant to NRS 482.205 to have been driven not more than 2,500 miles since the immediately preceding annual registration, if any.

(Added to NAC by Environmental Comm'n by R205-97, eff. 3-5-98)

Miscellaneous Provisions

NAC 445B.727 Administrative fines.

1. Except as otherwise provided in subsections 2 and 3, if the department imposes administrative fines pursuant to the provisions of NRS 445B.835, it will impose such fines for violations occurring within the 3-year period immediately preceding the most recent offense according to the following schedule:

- (a) For a first offense, a fine of not less than \$100 nor more than \$500.
- (b) For a second offense, a fine of not less than \$500 nor more than \$1,000.
- (c) For a third offense, a fine of not less than \$1,000 nor more than \$1,500.
- (d) For a fourth or subsequent offense, a fine of not less than \$1,500 nor more than \$2,500.

For the purposes of paragraphs (b), (c) and (d) of this subsection, a cease and desist order issued by the department shall be deemed to be a first offense.

2. If the department imposes administrative fines on an owner or operator of a heavy-duty motor vehicle powered by diesel for a violation of the standards of opacity established pursuant to NRS 445B.780, it will impose such fines for violations occurring within the 1-year period immediately preceding the most recent offense according to the following schedule:

(a) For a first offense, a fine of \$800. The department will not impose this fine if demonstration of correction is provided within 45 calendar days after the receipt of the citation.

(b) For a second or subsequent offense, a fine of \$1,500.

For the purposes of paragraph (b) of this subsection, a cease and desist order issued by the department shall be deemed to be a first offense.

3. The department may impose a fine of not less than \$1,500 nor more than \$2,500 for any violation of NAC 445B.460 or subsection 4 of NRS 445B.840.

4. Any person who has been fined pursuant to the provisions of NRS 445B.835 shall make payment to the department not later than the date specified in the notice of the violation, unless he has requested a hearing pursuant to subsection 1 of that section.

5. Upon the failure of a person to pay a fine imposed pursuant to the provisions of this section when it becomes due, the director may suspend, revoke or refuse to issue any license obtained pursuant to the provisions of this chapter.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 11-23-92; A 12-4-96)

NAC 445B.735 Program for licensure to install, repair and adjust devices for control of emissions. (NRS 445B.210, 445B.770, 445B.785) A program for the licensure of authorized inspection stations and persons qualified to install, repair and adjust devices for the control of emissions in motor vehicles is hereby established. The program, which is to be established by the department in compliance with the requirements of 40 C.F.R. § 51.367, must include, without limitation, a procedure for reporting for persons qualified to install, repair and adjust devices for the control of emissions in motor vehicles.

(Added to NAC by Environmental Comm'n, eff. 3-23-94; A by Dep't of Motor Veh. & Pub. Safety by R079-98, 9-25-98)

Control of Emissions: Heavy-Duty Motor Vehicles

NAC 445B.737 Definitions. (NRS 445B.780) As used in NAC 445B.737 to 445B.774, inclusive, unless the context otherwise requires, the words and terms defined in NAC 445B.739 to 445B.762, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Environmental Comm'n, eff. 10-22-92; A 5-3-96, eff. 7-1-96; R102-02, 10-18-2002)

NAC 445B.739 "Certification level" defined. (NRS 445B.780) "Certification level" means the maximum allowable level of opacity for a diesel engine with a 1970 or newer model year, as set by the commission in NAC 445B.7665.

(Added to NAC by Environmental Comm'n, eff. 10-22-92; A 5-3-96, eff. 7-1-96; R102-02, 10-18-2002)

NAC 445B.740 "Citation" defined. "Citation" means a written communication issued by the department to the owner or driver of a heavy-duty motor vehicle that is in violation of the provisions of NAC 445B.737 to 445B.774, inclusive, which requires the owner to repair the vehicle and to pay a fine.

(Added to NAC by Environmental Comm'n, eff. 10-22-92; A 5-3-96, eff. 7-1-96)

NAC 445B.7405 "Commission" defined. "Commission" means the state environmental commission.

(Added to NAC by Environmental Comm'n, 5-3-96, eff. 7-1-96)

NAC 445B.741 "Demonstration of correction" defined. "Demonstration of correction" means:

1. A receipt evidencing repair from a repair facility;
 2. A completed work order from a fleet repair facility or a fleet maintenance facility;
- or
3. The successful completion of a postrepair test or a postrepair inspection.

(Added to NAC by Environmental Comm'n, eff. 10-22-92)—(Substituted in revision for NAC 445.9463)

NAC 445B.742 "Department" defined. "Department" means the department of motor vehicles.

(Added to NAC by Environmental Comm'n, eff. 10-22-92)—(Substituted in revision for NAC 445.9464)

NAC 445B.743 "Director" defined. "Director" means the director of the department or his designated representative.

(Added to NAC by Environmental Comm'n, eff. 10-22-92)—(Substituted in revision for NAC 445.9465)

NAC 445B.744 "Driver" defined. "Driver" has the meaning ascribed to it in NRS 483.063.

(Added to NAC by Environmental Comm'n, eff. 10-22-92)—(Substituted in revision for NAC 445.9466)

NAC 445B.745 "Emission control label" defined. "Emission control label" means the label required by 40 C.F.R. Part 86, Subpart A.

(Added to NAC by Environmental Comm'n, eff. 10-22-92)—(Substituted in revision for NAC 445.9467)

NAC 445B.746 “Emission control system” defined. (NRS 445B.780) “Emission control system” means the components for controlling pollution that are present on an engine at the time that model of engine is certified. For a heavy-duty motor vehicle powered by a diesel engine, the term includes the emission control label.

(Added to NAC by Environmental Comm’n, eff. 10-22-92; A by R102-02, 10-18-2002)

NAC 445B.747 “Fleet” defined. “Fleet” means three or more heavy-duty motor vehicles that are owned, operated or leased by the same person.

(Added to NAC by Environmental Comm’n, eff. 10-22-92)—(Substituted in revision for NAC 445.9469)

NAC 445B.749 “Heavy-duty motor vehicle” defined. “Heavy-duty motor vehicle” means a motor vehicle having a manufacturer’s gross vehicle weight rating of 8,500 pounds or more.

(Added to NAC by Environmental Comm’n, eff. 10-22-92)—(Substituted in revision for NAC 445.947)

NAC 445B.750 “Inspection procedure” defined. “Inspection procedure” means the test procedure carried out pursuant to the provisions of NAC 445B.767 and the inspection of an emission control system carried out pursuant to the provisions of NAC 445B.768.

(Added to NAC by Environmental Comm’n, eff. 10-22-92)—(Substituted in revision for NAC 445.9471)

NAC 445B.751 “Inspector” defined. “Inspector” means an employee of the department whose primary duty is the enforcement of standards for air quality.

(Added to NAC by Environmental Comm’n, eff. 10-22-92)—(Substituted in revision for NAC 445.9472)

NAC 445B.755 “Officer” defined. “Officer” means a uniformed employee of the Nevada highway patrol division of the department.

(Added to NAC by Environmental Comm’n, eff. 10-22-92)—(Substituted in revision for NAC 445.9473)

NAC 445B.756 “Opacity” defined. “Opacity” means the percentage of light obstructed from passing through the exhaust plume of a motor vehicle.

(Added to NAC by Environmental Comm’n, eff. 10-22-92)—(Substituted in revision for NAC 445.9474)

NAC 445B.757 “Post-repair test” defined. “Post-repair test” means a test conducted after the issuance of a citation to determine whether a vehicle has been repaired to meet the requirements of an inspection procedure.

(Added to NAC by Environmental Comm’n, eff. 10-22-92)—(Substituted in revision for NAC 445.9475)

NAC 445B.758 “Repair facility” defined. “Repair facility” means any location where a heavy-duty motor vehicle is repaired, rebuilt, reconditioned or in any way maintained for members of the public at a charge. The term includes a fleet maintenance facility.

(Added to NAC by Environmental Comm’n, eff. 10-22-92)—(Substituted in revision for NAC 445.9476)

NAC 445B.759 “Smokemeter” defined. “Smokemeter” means a detection device used to measure the opacity of smoke by percentage.

(Added to NAC by Environmental Comm’n, eff. 10-22-92)—(Substituted in revision for NAC 445.9477)

NAC 445B.760 “Snap-idle cycle” defined. “Snap-idle cycle” means rapidly depressing the accelerator pedal from normal idle to the position at which the delivery of fuel to the engine is at maximum flow, holding the pedal in this position for no longer than 10 seconds or until the engine reaches maximum revolutions per minute, and then releasing the pedal to allow the engine to decelerate to its normal idle.

(Added to NAC by Environmental Comm’n, eff. 10-22-92)—(Substituted in revision for NAC 445.9478)

NAC 445B.761 “Tampered” defined. “Tampered” means missing, modified or disconnected.

(Added to NAC by Environmental Comm’n, eff. 10-22-92)—(Substituted in revision for NAC 445.9479)

NAC 445B.762 “Test procedure” defined. (NRS 445B.780) “Test procedure” means the processes of the preconditioning sequence and the measurement of the opacity of smoke to determine whether a vehicle meets the relevant standard of opacity set forth in NAC 445B.7665.

(Added to NAC by Environmental Comm’n, eff. 10-22-92; A 5-3-96, eff. 7-1-96; R102-02, 10-18-2002)

NAC 445B.765 Applicability. The provisions of NAC 445B.737 to 445B.774, inclusive, apply to all heavy-duty motor vehicles operating in this state.

(Added to NAC by Environmental Comm’n, eff. 10-22-92; A 5-3-96, eff. 7-1-96)

NAC 445B.7665 Standards of opacity; citation for violation; equipment for measurement. (NRS 445B.780)

1. Except as otherwise provided in this section and NAC 445B.774, no owner or driver of a heavy-duty motor vehicle powered by:

(a) A 1991 or newer model-year engine may cause or permit the discharge into the atmosphere of engine exhaust from the vehicle which is of an opacity greater than 40 percent.

(b) A 1977 to 1990 model-year engine may cause or permit the discharge into the atmosphere of engine exhaust from the vehicle which is of an opacity greater than 55 percent.

(c) A 1970 to 1976 model-year engine may cause or permit the discharge into the atmosphere of engine exhaust from the vehicle which is of an opacity greater than 70 percent.

2. A vehicle will not be cited as violating any smoke opacity standard listed in subsection 1 unless the opacity reading is at least 1 full percentage point greater than the relevant standard.

3. Before July 1, 2003, the director may authorize opacity testing that uses equipment for the measurement of smoke opacity without the built-in capability to adjust the opacity readings to take ambient conditions into consideration as required by the Society of Automotive Engineers Procedure, SAE J1667, “Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles.” If the smoke opacity of a heavy-duty motor vehicle is tested using equipment authorized for use by the director pursuant to this subsection, the owner or driver of a heavy-duty motor vehicle is not in violation of the provisions of subsection 1 unless the discharge into the atmosphere of engine exhaust is of an opacity greater than 70 percent. On and after July 1, 2003, only

equipment that has the built-in capability to adjust the opacity readings to take ambient conditions into consideration as required by the Society of Automotive Engineers Procedure, SAE J1667, "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles," may be used to measure smoke opacity.

4. A family of engines that has been exempted by the California Air Resources Board pursuant to section 2182(b) of Title 13 of the *California Code of Regulations* is not subject to the standards set forth in subsection 1. Such a family of engines is subject to the technologically appropriate less stringent opacity standard identified by the executive director of the California Air Resources Board pursuant to section 2182(b) of Title 13 of the *California Code of Regulations* for that family of engines, plus 5 percentage points.

(Added to NAC by Environmental Comm'n, 5-3-96, eff. 7-1-96; A by R102-02, 10-18-2002)

NAC 445B.767 Specifications for equipment for measurement of smoke opacity; test procedure. (NRS 445B.780)

1. Equipment for the measurement of smoke opacity must meet the specifications set forth in section 6 of the Society of Automotive Engineers Procedure, SAE J1667, "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles."

2. The test procedure must comply with the provisions of section 5 of SAE J1667, including the preparation phase and preconditioning phase set forth in subsections 1, 2 and 3 of section 5 of SAE J1667.

(Added to NAC by Environmental Comm'n, eff. 10-22-92; A 5-3-96, eff. 7-1-96; R102-02, 10-18-2002)

NAC 445B.768 Components of vehicle subject to inspection for tampered or defective conditions. (NRS 445B.780)

1. During an inspection of an emission control system, the components for emission control for heavy-duty motor vehicles powered by diesel engines that are subject to inspection for tampered or defective conditions include:

- (a) The engine governor.
- (b) Any seal or cover protecting the adjustments to control the ratio of air to fuel.
- (c) Any seal or cover on the fuel injection pump.
- (d) The air cleaner and the indicator of the restriction of flow.
- (e) The exhaust gas recirculation valve.
- (f) The particulate matter trap system or catalytic converter system, including related pipes and valves.
- (g) Any hose, connector, bracket or hardware related to the components listed in paragraphs (a) to (f), inclusive.
- (h) Engine computer controls, including related sensors and actuators.
- (i) The emission control label.
- (j) Any other components related to emissions for a particular vehicle or engine as determined from the manufacturer's specifications, emission control label, certification data or a published manual of parts for the vehicle.

2. During an inspection of an emission control system, the components for emission control for a heavy-duty motor vehicle powered by a gasoline engine that are subject to inspection for tampered or defective conditions include:

- (a) The air injection system.
- (b) The exhaust gas recirculation system.
- (c) The catalytic converter, including related pipes and valves.
- (d) The fuel inlet restrictor.
- (e) The fuel inlet cap, if the motor vehicle was originally equipped by the manufacturer with such a cap.
- (f) Any hose, connector, bracket or hardware related to the components listed in paragraphs (a) to (e), inclusive.

3. As used in this section, “defective” means an emission control system or a component of an emission control system that is malfunctioning due to age, wear, faulty maintenance or a defect in design.

(Added to NAC by Environmental Comm’n, eff. 10-22-92; A by R102-02, 10-18-2002)

NAC 445B.7685 Missing emission control label: Replacement; effect on standard of opacity. (NRS 445B.780)

1. If the owner of a heavy-duty motor vehicle powered by a diesel engine receives written notification from the department that the emission control label was missing during an inspection of the emission control system of the vehicle, the owner shall replace the emission control label and provide the identification number of the engine of the vehicle to the department within 30 days after the date on which the owner receives the written notification.

2. If, after the end of the 30-day period, the vehicle undergoes a smoke opacity test and the owner has not replaced the emission control label, the vehicle is subject to the 40 percent standard of opacity set forth in subsection 1 of NAC 445B.7665 unless, at the time of the subsequent test, it is plainly evident from a visual inspection that the vehicle is powered by a 1990 or older model-year engine. If it is plainly evident from a visual inspection that the vehicle is powered by a 1990 or older model-year engine, the vehicle is subject to the applicable standard set forth in paragraph (b) or (c) of subsection 1 of NAC 445B.7665.

(Added to NAC by Environmental Comm’n by R102-02, eff. 10-18-2002)

NAC 445B.769 Duties of driver of vehicle selected for inspection; duties of inspector.

1. The driver of any heavy-duty motor vehicle powered by a diesel engine that is selected to undergo an inspection procedure shall, upon the request of an officer or inspector:

- (a) Drive the vehicle to the inspection site.
- (b) Perform the functions required for a test procedure.
- (c) Open the door of the vehicle to enable the inspector to observe the depression of the accelerator pedal.
- (d) Permit the inspection of the vehicle’s emission control system.
- (e) If a citation is issued, sign the citation to acknowledge its receipt and sign the smoke test strip chart to acknowledge the performance of the test procedure.

2. The driver of a heavy-duty motor vehicle powered by a gasoline engine that is selected to undergo an inspection procedure shall, upon the request of an officer or inspector:

- (a) Drive the vehicle to the inspection site.
- (b) Permit an inspection of the emission control system.
- (c) If a citation is issued, sign the citation to acknowledge its receipt.

3. The inspector performing an inspection procedure shall:

(a) Advise the driver that his refusal to submit to the inspection procedure will result in the issuance of a citation.

(b) Issue a citation to the driver of any vehicle that fails either part of the inspection procedure or to any driver who refuses to submit to the inspection procedure.

4. As used in this section, “inspection site” means an area, including a random roadside location, a weigh station, or a fleet facility used to conduct a test procedure on a heavy-duty motor vehicle, or an inspection of an emission control system of a heavy-duty motor vehicle, or both.

(Added to NAC by Environmental Comm’n, eff. 10-22-92; A 5-3-96, eff. 7-1-96)

NAC 445B.770 Refusal of owner or driver to submit vehicle to inspection. If an owner or driver of a vehicle refuses to submit his vehicle to an inspection procedure pursuant to NAC 445B.769, it constitutes a failure of the inspection procedure, unless the driver is cited by an officer for a violation of NRS 484.701.

(Added to NAC by Environmental Comm'n, eff. 10-22-92)—(Substituted in revision for NAC 445.9486)

NAC 445B.771 Demonstration of correction of vehicle after issuance of citation; post-repair or inspection required by director under certain circumstances. (NRS 445B.780)

1. An owner of a vehicle who has been issued a citation may demonstrate correction of the vehicle by:

(a) Submitting to the director a receipt evidencing repair from a repair facility or a completed work order from a fleet repair facility or a fleet maintenance facility. The receipt or work order must include:

- (1) The name, address and telephone number of the facility;
- (2) The name of the mechanic;
- (3) The date of the repair;
- (4) A description of any repair or adjustment made to the vehicle; and
- (5) An itemized list of all replaced components, including a description of the part, number of the part and the cost of the part.

(b) Submitting the vehicle to a post-repair test or a post-repair inspection.

2. The director shall require a post-repair test or post-repair inspection if:

(a) A submitted receipt evidencing repair or a submitted work order does not meet the requirements of paragraph (a) of subsection 1;

(b) A receipt or work order appears to be falsified; or

(c) A second or subsequent failure of either part of an inspection procedure on the vehicle occurs within 1 year after the most recent citation was issued.

3. As used in this section, "post-repair inspection" means a subsequent inspection of an emission control system for the purpose of determining compliance of a vehicle that has been cited for violating a standard of opacity set forth in NAC 445B.7665.

(Added to NAC by Environmental Comm'n, eff. 10-22-92; A 5-3-96, eff. 7-1-96; R102-02, 10-18-2002)

NAC 445B.772 Removal of vehicle from service for outstanding citations; release and repair of vehicle.

1. A vehicle may be removed from service by the Nevada highway patrol division of the department if:

(a) The director requests its removal; and

(b) One or more uncleared citations are outstanding for the vehicle at the time of its inspection.

2. Upon payment by cashier's check or money order of all unpaid penalties for a vehicle that has been removed from service, the director shall provide the owner or his designated representative a release form for presentation to the Nevada highway patrol division of the department.

3. A vehicle that is released must be repaired and undergo a postrepair test or postrepair inspection within 15 calendar days after its release.

4. As used in this section:

(a) "Remove from service" means the towing and storage of a vehicle under the direction of the Nevada highway patrol division of the department.

(b) "Uncleared citation" means a citation for which demonstration of correction and, if required, payment of a penalty has not been made.

(Added to NAC by Environmental Comm'n, eff. 10-22-92)—(Substituted in revision for NAC 445.9488)

NAC 445B.773 Request for administrative hearing. Any person cited for violating the provisions of NAC 445B.737 to 445B.774, inclusive, may request an administrative hearing pursuant to the provisions of NRS 233B.121. The request must be made in writing and submitted to the department within 10 days after the date of receipt of the citation. The failure of the owner of the vehicle to request such a hearing within this time operates as a waiver of his right to request such a hearing.

(Added to NAC by Environmental Comm'n, eff. 10-22-92; A 5-3-96, eff. 7-1-96)

NAC 445B.774 Waiver from standard of opacity. (NRS 445B.780)

1. The director may grant a waiver from a standard of opacity set forth in NAC 445B.7665.

2. Except as otherwise provided in this section, an application for a waiver must include a receipt or receipts or other evidence that at least \$1,000 has been spent on parts other than a catalytic converter, fuel inlet restricter, air injection system, exhaust gas recirculation valve, fuel cap or particulate matter trap system, or on labor other than emission testing if the repairs evidenced by the receipt were directly related to the deficiency in emissions.

3. If the vehicle is repaired by the owner, the application must include a receipt or receipts or other evidence that at least \$750 has been spent on parts other than a catalytic converter, fuel inlet restricter, air injection system, exhaust gas recirculation valve, fuel cap or particulate matter trap system and that the parts were purchased within 15 days after the initial test or inspection. No allowance will be made toward the \$750 requirement for labor on a vehicle repaired by its owner.

4. The director shall deny an application for a waiver if the parts have not been installed or the repairs have not been performed as indicated on the receipt or receipts presented to the director.

5. A vehicle that qualifies for repairs under a warranty is not eligible for a waiver.

6. A waiver is valid for 1 year after the date it is issued.

(Added to NAC by Environmental Comm'n, eff. 10-22-92; A 5-3-96, eff. 7-1-96; R102-02, 10-18-2002)

GRANTS FROM POLLUTION CONTROL ACCOUNT

NAC 445B.850 Definitions. As used in NAC 445B.850 to 445B.873, inclusive, unless the context otherwise requires:

1. "Committee" means the advisory committee on the control of emissions from motor vehicles created pursuant to NRS 445B.830.
 2. "Division of environmental protection" means the division of environmental protection of the state department of conservation and natural resources.
 3. "Fiscal year" means the period from July 1 to June 30 of the succeeding year.
- (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90)—(Substituted in revision for NAC 445.950)

NAC 445B.853 Advisory committee on the control of emissions from motor vehicles: Creation; membership; chairman.

1. The advisory committee on the control of emissions from motor vehicles is hereby created.
 2. The committee consists of 10 members appointed by the appropriate deputy director of the department of motor vehicles. The deputy director shall appoint:
 - (a) Two persons who are representatives of the department of motor vehicles;
 - (b) Two persons who are representatives of the division of environmental protection;
 - (c) One person who is a representative of the department of transportation;
 - (d) One person who is a representative of the Clark County health district;
 - (e) One person who is a representative of the Washoe County district health department;
 - (f) One person who is a representative of the Clark County department of comprehensive planning;
 - (g) One person who is a representative of the Truckee Meadows Regional Planning Agency;
 - (h) One person, as a nonvoting member, who is a representative of the United States Environmental Protection Agency, Region IX; and
 - (i) One person, as an alternate member, for each person described in paragraphs (a) to (h), inclusive.
 3. The appropriate deputy director of the department of motor vehicles shall:
 - (a) Appoint the members of the committee from a list submitted by the chief administrative officer of each agency represented on the committee.
 - (b) Designate one of the members of the committee to act as its chairman.
- (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90; A 5-26-92)—(Substituted in revision for NAC 445.951)

NAC 445B.855 Advisory committee on the control of emissions from motor vehicles: Term of chairman; terms, salaries and removal of members.

1. Unless he is removed pursuant to the provisions of subsection 3:
 - (a) The chairman of the committee serves in that capacity for a term of not more than 2 years, as determined by the appropriate deputy director of the department of motor vehicles, and may be reappointed.
 - (b) Each member and alternate member of the committee serves a term of 2 years and may be reappointed. Any person appointed to replace a member or alternate member before the expiration of his term serves during the unexpired portion of that term.
2. Members of the committee serve without salary.
3. Any member or alternate member of the committee must be removed upon written request for his removal made by the chief administrative officer of the agency he represents. Any such request must be submitted to the appropriate deputy director of the department of motor vehicles.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90)—(Substituted in revision for NAC 445.952)

NAC 445B.857 Advisory committee on the control of emissions from motor vehicles: Meetings; quorum; minutes.

1. The committee shall meet at least quarterly, or more frequently at the call of the chairman, at the time and place designated by the chairman.
2. A majority of all appointed members who are eligible to vote constitutes a quorum. The affirmative votes of a majority of the members present are necessary to adopt a recommendation or approve action.
3. The chairman shall cause written minutes of each meeting to be made and shall forward a copy of the minutes to the appropriate deputy director of the department of motor vehicles and to the administrator of the division of environmental protection.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90; A 5-26-92)—(Substituted in revision for NAC 445.953)

NAC 445B.859 Eligibility for grant. An agency is eligible for a grant from the money allocated for grants in paragraph (a) of subsection 4 of NRS 445B.830 if the agency meets the requirements of that subsection and is:

1. Responsible for preparing and submitting an implementation plan pursuant to 42 U.S.C. § 7407; or
2. Responsible for monitoring air pollution and enforcing air pollution control regulations.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90; A 5-26-92)—(Substituted in revision for NAC 445.954)

NAC 445B.861 Application for grant: Submission; contents.

1. An application for a grant must be submitted to the appropriate deputy director of the department of motor vehicles and the administrator of the division of environmental protection not later than April 1 preceding the fiscal year for which the grant is requested.
2. The application must:
 - (a) Contain the name and address of the agency making the application;
 - (b) Contain the name and telephone number of any person responsible for coordinating the proposed project or, if there is no such person, the chief administrative officer of the applicant;
 - (c) Specify whether the grant is requested from dedicated funds or from excess money in the air pollution control account;
 - (d) Specify the fiscal year for which the grant is requested;
 - (e) State the specific objectives of the project;
 - (f) Contain a description of the manner in which the project will maintain air quality by reducing emissions from motor vehicles;
 - (g) Contain a statement of the work to be performed in connection with the project, with a timetable for completion of the work; and
 - (h) Set forth a budget for the project, itemized under categories of expenditures for personnel, travel, operating expenses and equipment.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90; A 5-26-92)—(Substituted in revision for NAC 445.955)

NAC 445B.863 Application for grant: Referral to and action by committee.

1. Each application for a grant that is properly completed and submitted in timely fashion to the appropriate deputy director of the department of motor vehicles must be submitted by him to the committee no later than April 15 preceding the fiscal year for which the grant is requested.

2. After it receives an application, the committee shall review the application at its next meeting and determine:

- (a) Whether the applicant is eligible for a grant;
- (b) Whether the project will further the objective of maintaining air quality by limiting or reducing emissions from motor vehicles;
- (c) The merit of the project; and
- (d) The likelihood of success of the project.

3. Based upon its determinations, the committee shall recommend that the application be approved as submitted, that it be approved with specified changes or that it be denied.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90)—(Substituted in revision for NAC 445.956)

NAC 445B.865 Application for grant: Consideration of committee's recommendation; submission to interim finance committee; agreement concerning grant.

1. The recommendation of the committee concerning an application must be transmitted by the chairman of the committee to the appropriate deputy director of the department of motor vehicles and the administrator of the division of environmental protection.

2. The administrator of the division of environmental protection shall consider the recommendation of the committee and shall approve the application, disapprove it or approve it pending revision of the application. The administrator shall transmit his decision to the appropriate deputy director of the department of motor vehicles within 10 working days after he receives the recommendation of the committee.

3. The appropriate deputy director of the department of motor vehicles shall consider the recommendation of the committee and shall approve the application, disapprove it or approve it pending revision of the application.

4. If both the appropriate deputy director of the department of motor vehicles and the administrator of the division of environmental protection approve an application, the deputy director shall cause the proposed grant to be submitted for approval by the interim finance committee.

5. If the interim finance committee approves the grant, the appropriate deputy director of the department of motor vehicles shall enter into an agreement with the recipient of the grant, specifying the terms and conditions under which the grant is made.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90)—(Substituted in revision for NAC 445.957)

NAC 445B.867 Period of grant; return of unexpended money.

1. A grant must be awarded for a period of 1 fiscal year.

2. If any money from a grant remains unexpended at the end of the fiscal year for which the grant is made, the recipient may use the money to continue the project for not more than 1 fiscal year after the termination date set forth in the agreement executed pursuant to NAC 445B.865. At the end of this period, the recipient shall return any unexpended money to the department of motor vehicles.

(Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90)—(Substituted in revision for NAC 445.958)

NAC 445B.869 Quarterly reports by recipient of grant.

1. The recipient of a grant shall, during the fiscal year for which the grant is made, submit to the appropriate deputy director of the department of motor vehicles quarterly reports on the status of the project supported by the grant. These reports are due no later than 45 days after October 1, January 1, April 1 and July 1, respectively.

2. Each report must, for the preceding quarter:

- (a) Contain a description of progress made toward completion of the stated objectives of the project;
 - (b) Include a narrative summary of noteworthy accomplishments and problems encountered in connection with the project;
 - (c) Contain an itemized list of approved expenditures, shown by budget category, that have been made; and
 - (d) Be accompanied by original invoices or other acceptable evidence of these expenditures.
3. Each report may be accompanied by:
- (a) Graphic or tabular displays;
 - (b) Media reports concerning the project; or
 - (c) Other related materials related to the project, such as papers prepared for professional meetings, published articles or brochures.
- (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90)—(Substituted in revision for NAC 445.959)

NAC 445B.871 Termination of grant or suspension of payments; denial of or refusal to consider application for grant.

1. The appropriate deputy director of the department of motor vehicles may terminate a grant or suspend payments of money pursuant to the grant for any of the following reasons, among others:
- (a) Failure or refusal of the recipient of the grant to submit any report required by NAC 445B.869;
 - (b) Failure or refusal of the recipient to provide any information or assistance required in connection with any audit; or
 - (c) Misuse or use for a nonapproved purpose of any money from the grant.
2. The appropriate deputy director of the department of motor vehicles may deny or refuse to consider an application for a grant made by a person who has previously violated any term or condition of a grant or of the provisions of NAC 445B.850 to 445B.871, inclusive.
- (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 6-20-90)—(Substituted in revision for NAC 445.960)

NAC 445B.873 Prerequisites to award of grant.

1. Except as otherwise provided in subsection 2, the department of motor vehicles shall award grants from the pollution control account in accordance with subsection 4 of NRS 445B.830 if the account contains sufficient money for this purpose.
2. The department of motor vehicles shall not award a grant from the pollution control account for a proposed project or program unless the project or program is designed to improve or maintain the quality of air by limiting or reducing the emissions from motor vehicles.
- (Added to NAC by Dep't of Motor Veh. & Pub. Safety, eff. 5-26-92)—(Substituted in revision for NAC 445.961)

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